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A
COLLECTION
OF THE
PARLIAMENTARY
DEBATES
IN
ENGLAND,

FROM
The YEAR MDCLXVIII.

To the present TIME.

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Parliamentary

Parliamentary Debates.

THE house of Commons having gone into that Committee which introduced the excise scheme, as mentioned in the tenth volume, Excise-scheme brought into Parliament.

The debate of this important day was opened by Mr. Chancellor of the *Exchequer*, who spoke in substance as follows, *viz.*

‘ Sir, As I had the honour to move for the house’s
 ‘ resolving itself into this Committee, I think it in- Sir Robert
 ‘ Walpole’s
 ‘ Speech.
 ‘ cumbent upon me to open to you what was then
 ‘ intended to be proposed as the subject of your con-
 ‘ sideration. We are now in a Committee for consi-
 ‘ dering of the most proper Methods for the better
 ‘ security and improvement of the duties and reve-
 ‘ nues already charged upon, and payable from to-
 ‘ bacco and wines: This can be done in no way so
 ‘ proper or effectual, as that of preventing for the
 ‘ future those frauds, by which the public revenues
 ‘ have been so much injured in times passed. I
 ‘ know, that whoever attempts to remedy frauds,
 ‘ attempts a thing, that must be very disagreeable
 ‘ to all those who have been guilty of them, or who
 ‘ expect a benefit by such in time to come. This,
 ‘ Sir, I am fully sensible of, and from this have
 ‘ sprung up all those clamours which have been rai-
 ‘ sed without doors against what I am now to pro-
 ‘ pose to you. The smugglers, the fraudulent deal-
 ‘ ers, and those who have for many years been en-
 ‘ riching themselves by cheating their country, fore-
 ‘ saw, that if the scheme I am now to propose took
 ‘ effect,

‘ effect, their profitable trade would be at an end ;
‘ this gave them the alarm, and from them I am
‘ persuaded it is, that all those clamours have origi-
‘ nally proceeded.

‘ In this it is certain they have been most strenu-
‘ ously assisted and supported by another set of peo-
‘ ple, who, from motives much worse, and of much
‘ more dangerous consequence to their country, are
‘ fond of improving every opportunity that offers,
‘ for stirring up the people of *Great Britain* to mu-
‘ tiny and sedition. But, Sir, notwithstanding all
‘ the clamours that such wicked and deceitful men
‘ have been able to raise, as the scheme I have to
‘ propose will be a great improvement to the pub-
‘ lic revenue, an improvement of 2 or 300,000 *l.*
‘ *per ann.* and perhaps more, and as it will likewise
‘ be of great advantage to the fair trader, I thought
‘ it my duty, not only as being in the station I am
‘ in, but also as being a member of this house, to
‘ lay it before you ; for no such clamours shall ever
‘ deter me from doing what I think is my duty, or
‘ from proposing any thing that I am convinced
‘ will be of such signal benefit to the revenue, and
‘ to the trade of my country.

‘ It has been most industriously spread abroad,
‘ that the scheme I am now to propose, was a scheme
‘ for a general excise, but I do aver that no such
‘ scheme ever entered into my head, nor, for what
‘ I know, into the head of any man I am acquaint-
‘ ed with : My thoughts were always confined solely
‘ to those two branches of the revenue arising from
‘ the duties on wine and tobacco, and it was the
‘ frequent and repeated advices I had of the noto-
‘ rious frauds committed in these two branches of the
‘ revenue, and the clamours even of some of the
‘ merchants themselves, that made me turn my
‘ thoughts particularly towards considering those two
‘ branches, in order to find out, if possible, some re-
‘ medy for the growing evil ; what I am now going
‘ to

‘ to propose will, I believe, if agreed to, be an effectual remedy ; but if I now fail in what I am to propose, it will be the last attempt of this kind that I shall ever make, I believe it will be the last that will ever be made, either by me or by any that shall succeed me in the station I am now in.

‘ At present, Sir, I shall lay before you only the case as it now stands with respect to the tobacco-trade, and the revenue arising therefrom ; and here it will be necessary first to consider the condition of our planters of tobacco in *America* ; if we can believe them, if we can give any credit to what they themselves say, we must conclude that they are reduced almost to the last extremity, they are reduced even almost to a state of despair, by the many frauds that have been committed in that trade, by the heavy duties which the importers of tobacco are obliged to pay upon importation, and by the ill usage they have met with from their factors and correspondents here in *England*, who from being their servants are now become their lords and masters. These poor people have sent home many representations of the bad state of their affairs, and have lately sent over a gentleman with a remonstrance setting forth their grievances, and praying for some speedy relief : This they may obtain by means of the scheme I intend now to propose, and I believe it is from this scheme only that they can expect any relief.

‘ The next thing we are to consider, is the state of the tobacco-trade, with regard to the fair trader ; the man who deals honourably and fairly with the public, as well as with private men, the man who honestly pays all those duties which the public is justly intitled to, finds himself prevented and forestalled almost in every market within the island, by the smuggler and the fraudulent dealer ; and even as to our foreign trade in tobacco, those who have no regard to honour, to religion, or to the welfare

‘ welfare of their country, but are every day con-
‘ triving ways and means for cheating the public
‘ by perjuries and false entries, are the greatest gain-
‘ ers, and it will always be so, unless we can fall
‘ upon some way of putting it out of their power
‘ to carry on any such frauds for the future.

‘ And lastly, Sir, we ought to consider the great
‘ loss sustained by the public, by means of the frauds
‘ committed in the tobacco-trade, and the addition
‘ that must certainly be made to the public revenue,
‘ if those frauds can be prevented in time to come.
‘ By this addition we may be enabled to relieve the
‘ nation from some of those taxes which it has la-
‘ boured under so many years; whereas, as the case
‘ now stands, the innocent and the honest part of
‘ the nation are charged with taxes which they would
‘ be free from, if the fraudulent dealers and the
‘ smugglers could be any way obliged to pay that
‘ which is justly due by them to the public. This,
‘ Sir, will, I am convinced, be the effect of
‘ the scheme I am to propose to you, and
‘ whoever therefore views it in its proper light, must
‘ see the planters, the fair traders, and the public
‘ ranged upon one side in favour of it; and none
‘ but the unfair traders and the tobacco-factors upon
‘ the other.

‘ I shall beg leave to mention to you, Sir, some
‘ of those frauds which have come to my know-
‘ ledge. The evidence I have had of them is to me
‘ very convincing: But in such cases gentlemen
‘ ought always to consider what evidence it is im-
‘ possible to bring, what evidence it is by the nature
‘ of the thing unreasonable to expect.’

Then he went through and gave a most exact ac-
count of the several frauds which had been practised
of late years in the tobacco-trade, from which he
made calculations of the loss the public thereby sus-
tained, particularly that of getting the tobacco
weighed at an under weight upon importation, and
getting

getting it weighed again upon exportation at a weight much above what it ought to be : ‘ A particular instance of this fraud, (says he) Sir, we came lately to the knowledge of by mere accident : One *Midford*, who had been a considerable tobacco-merchant in the city, happened to fail, at a time when he owed a large sum of money upon bond to the crown, whereupon an extent was issued out immediately against him, and thereby the government got possession of all his books, by which the fraud he had been guilty of was discovered ; for it appeared, as may be seen by one of his books I have in my hand, (whereupon he shewed one of this *Midford*’s books to the Committee) ‘ that upon the column, where the false quantities which had been entered at the importation, by collusion between him and the officer, by which he paid or bonded the duty payable upon importation, a slip of paper had been so artfully pasted on, that it could not be discovered, and upon this slip of paper were written the real quantities which were entered, because he was obliged to produce the same book when that tobacco was entered for exportation ; but then upon exportation, the tobacco was entered and weighed according to the quantities marked upon this slip of paper so artfully pasted on as I have mentioned, by which he got a drawback, or his bonds retired, to near double the value of what he had actually paid duty for upon importation. Yet, Sir, this *Midford* was as honest a man and as fair a trader as any in the city of *London* ; I desire, Sir, not to be misunderstood, I mean that before he failed, before these frauds came to be discovered, he was always reckoned as honest a man and as fair a trader, as any in the city of *London*, or in any other part of the nation.’

After this he mentioned the several frauds following, viz. That of re-landing the tobacco after it was

shipped off for exportation. That of socking of tobacco, which was a cant-word used for stealing and smuggling it out of the ships after their arrival in the river, before they were unloaded at the custom-house. That of stripping the leaves from the stalks, and afterwards splitting and pressing the stalks by an engine contrived for that purpose, and then exporting them. That of giving bonds for the duty payable upon importation, whereby the government had lost several large sums by the failure of payment of such bonds. That of the rich moneyed-men making prompt payments, by which the public was obliged to allow them ten *per cent.* discount as to the duties, and by entering the tobacco soon after for exportation, they drew back the whole duties, so that the government actually lost ten *per cent.* upon all the tobacco that had been so entered.

‘ These frauds, Sir, (says he) are notorious, most
 ‘ of them are known to the whole world; and as
 ‘ the laws of the customs have been found ineffectual
 ‘ for the preventing of such frauds, therefore it is
 ‘ proposed to add the laws of excise to the laws of
 ‘ the customs, and by means of both it is probable,
 ‘ it is I may say certain, that all such frauds will be
 ‘ prevented in time to come.

‘ The several subsidies and imposts now payable
 ‘ upon tobacco, by several acts of Parliament for
 ‘ that purpose made, stand, Sir, thus;’ (here he
 went through, and gave an account of the several
 acts of Parliament for laying duties on tobacco, then
 he went on) ‘ By all which, Sir, it appears that the
 ‘ duties now payable upon tobacco on importation,
 ‘ amount to 6 *d.* and one third part of a penny *per*
 ‘ pound weight, all which must be paid down in
 ‘ ready money upon importation, with the allow-
 ‘ ance of ten *per cent.* upon prompt payment, or o-
 ‘ therwise there must be bonds given with sufficient
 ‘ sure-

‘ sureties for the payment thereof, which is often a
‘ great loss to the public, and is always a great in-
‘ convenience to the merchant-importer; whereas by
‘ what I am to propose, the whole duties to be paid
‘ for the future will amount to no more than 4 *d.*
‘ and three farthings *per* pound weight, and this duty
‘ not to be paid till the tobacco comes to be sold for
‘ home-consumption, so that if the merchant exports
‘ his tobacco, he will be quite free from all pay-
‘ ment of duty, or giving bond therefore, or finding
‘ out proper sureties for joining with him in such
‘ bond; he will have nothing to do but to reload
‘ his tobacco on board a ship for exportation, with-
‘ out being at the trouble to attend for having his
‘ bonds cancelled, or for taking out debentures for
‘ the drawbacks; all which I conceive, Sir, must
‘ be a great ease to the fair trader; and to every
‘ such trader the preventing of frauds must be a
‘ great advantage, because it will put all the tobac-
‘ co traders in *Britain* upon the same footing, which
‘ is but just and equal, and what ought certainly to
‘ be accomplished, if it be possible.

‘ Now, Sir, in order to make this ease effectual
‘ to the fair trader, and to contribute to his advan-
‘ tage, by preventing as much as possible any frauds
‘ in time to come, I propose, as I have said, to
‘ join the laws of excise to those of the customs, and
‘ to leave the one penny, or rather three farthings
‘ *per* pound, called the farther subsidy, to be still
‘ charged at the custom-house upon the importation
‘ of any tobacco, which three farthings shall be
‘ payable to his Majesty’s civil list as heretofore;
‘ and I propose that all tobacco for the future, af-
‘ ter being weighed at the custom-house, and char-
‘ ged with the said three farthings *per* pound, shall
‘ be lodged in a warehouse, or warehouses to be ap-
‘ pointed by the commissioners of the excise for that
‘ purpose, of which warehouse the merchant-import-
‘ er shall have one lock and key, and the ware-
‘ house-

‘ house-keeper to be appointed by the said commis-
 ‘ sioners shall have another, in order that the tobac-
 ‘ co may lie safe in that warehouse till the merchant
 ‘ finds a market for it, either for exportation or for
 ‘ home-consumption: That if his market be for ex-
 ‘ portation, he may apply to his warehouse-keeper
 ‘ and take out as much for that purpose as he has
 ‘ occasion for, which when weighed at the custom-
 ‘ house shall be discharged of the three farthings *per*
 ‘ pound, with which it was charged upon importa-
 ‘ tion, so that the merchant may then export it with-
 ‘ out any farther trouble: But if his market be for
 ‘ home-consumption, that he shall then pay the
 ‘ three farthings charged upon it at the custom-
 ‘ house upon importation, and that then upon cal-
 ‘ ling his warehouse-keeper he may deliver it to the
 ‘ buyer, on paying an inland duty of 4 *d.* *per* pound
 ‘ weight, to the proper officer appointed to receive
 ‘ the same.

‘ And whereas, Sir, all the penalties and forfei-
 ‘ tures to become due by the laws now in being for
 ‘ regulating the collecting of the duties on tobacco,
 ‘ or at least all that part of them which is not given
 ‘ to the informers, now belong to the crown, I now
 ‘ propose that all such penalties and forfeitures, in
 ‘ so far as they formerly belonged to the crown,
 ‘ shall for the future belong to the public, and be
 ‘ applicable to the same uses to which the said du-
 ‘ ties shall be made applicable by Parliament; and
 ‘ for that purpose I have his Majesty’s commands to
 ‘ acquaint this house, that he, out of his great regard
 ‘ for the public good, with pleasure consents that
 ‘ they shall be so applied, which is a condescension
 ‘ in his Majesty, that I hope every gentleman in
 ‘ this house is fully sensible of, and will freely ac-
 ‘ knowledge.

‘ I know, Sir, there has been an Objection made,
 ‘ I expect to hear it again made in this house, a-
 ‘ gainst what I now propose: The objection is this,
 ‘ that

‘ that a great many of his Majesty’s subjects will be
‘ subjected to being tried in a multitude of cases by
‘ the commissioners of excise, from whom there is
‘ no appeal but to commissioners of appeal, or to
‘ justices of peace in the country, all named by the
‘ King, and removeable at pleasure, from whom the
‘ appellants cannot expect to meet with any justice
‘ or redress. I am far from thinking there is any
‘ ground for this complaint, I am far from
‘ thinking that any man ever had a just reason
‘ to say that he was wronged or unjustly dealt with,
‘ either by the commissioners of appeal, or by the
‘ justices of the peace at their quarter-sessions; but in
‘ order to obviate any objection of this nature, I
‘ propose that all appeals in this case, as well as in
‘ all other cases relating to the excise, shall for the
‘ future be heard and determined by two or three of
‘ the judges to be named by his Majesty, out of the
‘ twelve judges belonging to *Westminster-hall*; and
‘ that in the country all appeals from the first sen-
‘ tence of his Majesty’s justices of the peace, shall be
‘ to the judge of assize upon the next circuit which
‘ shall come into that country, who shall in all cases
‘ proceed to hear and determine such appeals in the
‘ most summary way, without the formality of pro-
‘ ceedings in courts of law or equity. From such
‘ judges, Sir, and from such a manner of proceed-
‘ ing, every man must expect to meet with the
‘ utmost dispatch, and with the most impartial ju-
‘ stice; and therefore I must think, that what I now
‘ propose can be no inconvenience to those who may
‘ thereby be subjected to the laws of excise, but that
‘ if there was formerly any ground of complaint, it
‘ may be a great relief to those who are already sub-
‘ jected to such laws.

‘ This, Sir, is the scheme which has been repre-
‘ sented in such a dreadful and terrible light: This,
‘ Sir, is the monster, the many-headed monster,
‘ which was to devour the people and commit such
‘ ravages

‘ ravages over the whole nation. How justly it
‘ has been represented in such a light, I shall leave
‘ to this committee and to the whole world with-
‘ out doors to judge. I have said, Sir, I will say
‘ it again, that whatever apprehensions and terrors
‘ people may have been brought under from a false
‘ and malicious representation of what they neither
‘ did, nor could possibly know or understand, I am
‘ firmly persuaded, when they do come to know
‘ and fully to understand the scheme which I have
‘ now had the honour to open to you, they will
‘ view it in another light; and that if it has the
‘ good fortune to be approved of by Parliament, and
‘ comes to take effect, the people will soon feel the
‘ happy consequences thereof, and when they feel
‘ those good effects, they will no longer think those
‘ people their friends who have so grossly imposed
‘ on their understandings.

‘ I look upon it, Sir, as a most innocent scheme;
‘ I am convinced it can be hurtful to none but smug-
‘ glers and unfair traders; I am certain it will be of
‘ great benefit and advantage to the publick revenue;
‘ and if I had thought otherwise of it, I never would
‘ have ventured to have proposed it in this place;
‘ therefore, Sir, I shall now beg leave to move, that
‘ it may be resolved, That it is the opinion of this
‘ committee, that the subsidy and additional duty
‘ upon tobacco of the *British* plantations granted by
‘ an act of the 12th of King *Charles* II. and the im-
‘ post thereon, granted by an act of the first of King
‘ *James* II. and also the one third subsidy thereon,
‘ granted by an act the 2d of Queen *Anne*, (a-
‘ mounting in the whole to five pence and one third
‘ part of a penny *per* pound) for several terms of
‘ years in the said respective acts mentioned, and which
‘ have since been continued and made perpetual, sub-
‘ ject to redemption by Parliament, shall, from and
‘ after the 24th day of *June* 1733, cease and de-
‘ termine.

Upon

Upon this speech and motion ensued the grand debate, in which the following gentlemen spoke in substance, or to the effect as follows, *viz.*

Mr. Alderman *Perry* said, ‘ Sir, The honourable gentleman on the floor has taken up a great deal of the time of the committee, in stating a great number and variety of facts, and in drawing conclusions, and making calculations upon the supposition that every one of those facts was exactly as he has been pleased to represent them to us. This, Sir, I cannot intirely agree with the gentleman in, for if all those facts were exactly as he has represented them, and if all the computations he has made upon that supposition were just, that quantity of tobacco, the duties of which the public is thereby supposed to be intirely defrauded of, would amount to a much greater quantity of tobacco yearly than grows in the whole country from which we fetch that commodity. I did not expect, Sir, to have heard such a long detail of facts, or so many particular computations: I do not think it at all necessary upon the present occasion. I expected that the gentleman would have taken a much more general and a more just method. I thought he would have stated to us the quantity of tobacco yearly imported, the quantity yearly exported, and would have given us the best proofs that could be found for justifying his computations in that respect, because from thence every man might have easily seen what quantity remained for home-consumption, and what sum of money that would have yearly brought in, if the duties had been all regularly paid; and upon comparing that with what those duties have really amounted to for some years past, we might have been able to have made some guess of the value of the frauds that have been

Mr. Alderman *Perry's* Speech.

‘ been committed, and of the advantage that may
‘ accrue to the public, supposing that all frauds were
‘ to have been by his scheme prevented for time to
‘ come.

‘ This, Sir, is the proper way, the only way of
‘ coming at any sort of certain knowledge in the af-
‘ fair before us; but I am afraid if we should confi-
‘ der it in this way, we would find, that the scheme
‘ now proposed to us would be of no such mighty
‘ advantage to the public revenue as has been repre-
‘ sented, even supposing that all frauds were, for the
‘ future, to be thereby intirely prevented; and con-
‘ sidering that no method of collection, no pains or
‘ penalties that can be contrived, can be supposed ef-
‘ fectual for preventing every fraud that may, in
‘ time to come, be invented and set on foot; we
‘ would have found no great temptation for agree-
‘ ing to any scheme, by which the liberties of our
‘ country may be brought into the least danger, for
‘ the sake of any advantage that we could suppose
‘ would have thereby accrued to the public revenue.
‘ That there are frauds committed in the tobacco-
‘ trade, I shall never pretend to deny, I make no
‘ manner of doubt but that there are too many frauds
‘ committed in that trade, as well as in every other
‘ branch of the public revenue: But upon a fair state
‘ of the case, I am sure that they cannot amount to
‘ near that value which the honourable gentleman
‘ has been pleased to mention; and therefore I shall
‘ beg leave to examine a little those particular frauds
‘ and calculations which have been mentioned by
‘ him.’

Here he went through and examined all the frauds
that had been mentioned, and all the computations
that had been made; more particularly as to the
bonds he said, ‘ It has been pretended, Sir, that the
‘ public has sustained, and are still in danger of sus-
‘ taining great losses, by the method of granting
‘ bonds for the duties payable upon tobacco: This,

‘ Sir,

‘ Sir, I had before heard hinted at by the honou-
‘ ble gentleman, and therefore I have lately had a
‘ meeting with several of the merchants in *London*,
‘ trading in tobacco: We have examined that affair,
‘ and I can now tell that gentleman, that I have it
‘ in commission from them to propose, that if the
‘ government will give us a discount but of 20000 *l*.
‘ we will give undeniable security for the payment of
‘ all the bonds they are now possessed of, which are
‘ not become desperate by the bondsmen being alrea-
‘ dy gone off, or become bankrupts.

‘ As to that fraud called Socking, it has been al-
‘ ready discovered, and is, I hope, prevented. But,
‘ Sir, it is well known, that it was the merchants
‘ that discovered it; the merchants went and com-
‘ plained of it to the commissioners of the customs,
‘ and the merchants joined and assisted the officers of
‘ the customs in putting an effectual stop thereto.
‘ This I must know, because I had the honour to go
‘ at the head of several merchants trading in tobacco,
‘ to the commissioners of the customs, to request of
‘ them, that we might be allowed to give a gratuity
‘ to one of their officers, who had been most instru-
‘ mental in the detecting and preventing of that
‘ fraud, and accordingly I myself, Sir, paid that offi-
‘ cer a very handsome sum of money, which we all
‘ thought his diligence and integrity very well de-
‘ served.

‘ As to the frauds committed at the weighing of
‘ the tobacco, either on importation or exportation,
‘ I am afraid they are too frequent; but as the to-
‘ bacco is always weighed upon the public custom-
‘ house keys, where custom-house officers swarm like
‘ bees before a bee-hive, and as there must be two
‘ or three officers of the customs, attending and o-
‘ verlooking the weighing of every cask of tobacco,
‘ we cannot suppose that these frauds were ever so
‘ enormous as they are represented to be. Whate-
‘ ver frauds are committed in that way, must be ei-
‘ ther

‘ ther by the neglect or collusion of the officers,
 ‘ and I cannot see how the scheme now proposed to
 ‘ us will make the officers, either of the customs or
 ‘ the excise, more diligent in their duty, or more
 ‘ faithful to their trust than they were heretofore.
 ‘ As to the re-landing of tobacco after it has been
 ‘ entered for exportation, it was never pretended that
 ‘ that was practised at the port of *London*, nor can it
 ‘ be pretended, that any great quantities of such to-
 ‘ bacco were ever consumed in *London*: That is a
 ‘ practice that may perhaps have been frequent in
 ‘ the northern parts of the island, and in some distant
 ‘ creeks and corners of the coast, and while there
 ‘ is such a vast disproportion between the prime cost
 ‘ and the duties on tobacco, I may prophesy, that
 ‘ in such remote places this will always be a practice:
 ‘ It could not be prevented by ten times the num-
 ‘ ber of officers we have, even though we had a
 ‘ much more numerous army to support them than
 ‘ we have at present. And as for the stripping,
 ‘ cutting and pressing the stalks, and the engine
 ‘ that has been invented for that purpose, if the ho-
 ‘ nourable gentleman mentioned it as a fraud, or as
 ‘ a late discovery, he mistakes it very much; on
 ‘ the contrary, it is no fraud, nor is it a late disco-
 ‘ very; it is a business that has been openly, honest-
 ‘ ly and publickly carried on for many years; it is
 ‘ a business that has improved our tobacco-trade,
 ‘ and is as common and as well known, as the busi-
 ‘ ness of a woollen or a linen draper.

‘ Permit me now, Sir, to take some notice of
 ‘ the tobacco-planters, and of the hardships they are
 ‘ laid under by their tobacco-factors, who are, it
 ‘ seems, now become their lords and masters. I am
 ‘ sure none of them ever thought of complaining till
 ‘ they were put upon it by letters and by applications
 ‘ from hence. There are hardships in all trades,
 ‘ which men must necessarily submit to, or give up
 ‘ their business; but every man that understands the

‘ tobacco-trade must see, that the hardships the factors
‘ labour under, are by much the most numerous and
‘ the most grievous ; and if this scheme should take
‘ effect, they will become so grievous, that no man
‘ would be able to continue in the trade, by which
‘ the planters would be utterly undone, and the trade
‘ quite lost to this nation ; for it would be impossi-
‘ ble for them to manage their plantations, or to send
‘ their produce to *Britain*, without having some
‘ considerable merchants settled here, to send ships
‘ to receive the same in *America*, to receive and dis-
‘ pose of it after it is landed here, and to supply them
‘ with ready money till their tobacco can be brought
‘ to a proper market. As to the remonstrance men-
‘ tioned by the honourable gentleman, to have been
‘ lately sent over by the tobacco-planters, I know,
‘ Sir, that it was obtained by letters sent from hence,
‘ and I believe many of those who joined in it, now
‘ heartily repent of what they have done ; it was
‘ drawn up in the form of a petition to this house,
‘ and was designed to have been presented, but it
‘ seems the promoters of it have thought better of
‘ the matter : However, that it was obtained in
‘ the unfair manner I have represented, I am now
‘ ready to prove, to the conviction of the whole
‘ world.

‘ This then being the case, as the scheme now
‘ proposed to us cannot be supposed to be of any
‘ great benefit to the public revenue, as it will be so
‘ far from being an advantage to the fair trader, or
‘ to the honest planter, that it may probably ruin
‘ both, and intirely destroy our tobacco-trade ; tho’
‘ I and all honest men (and I defy that honourable
‘ gentleman, I defy the whole world to reproach me
‘ with one unfair practice, in the whole course of
‘ my life) I say, Sir, though I and all honest men
‘ wish from our hearts, that frauds may be prevent-
‘ ed in this, as well as in every other branch of the
‘ public revenue, yet I cannot give my assent to a
‘ pro-

‘ proposition that may be of so dangerous consequence ; a proposition which I look upon to be inconsistent with our constitution ; I am convinced it would prove to be a most fatal stroke to the liberties of my country, which will, I doubt not, be made plainly appear by other gentlemen of much greater abilities than mine ; and to every man who has a regard for his country, or for the people he represents, this last must be a sufficient reason for being against it, even though it were otherwise the most beneficial scheme that had ever been proposed.

‘ But, Sir, since I look upon my being a member of this house, as the greatest glory of my life, since I look upon that day on which I was chose one of the representatives of the city of *London*, as the most auspicious day of my whole life, I cannot tamely sit still and hear the whole body of the merchants of that great city, represented by that honourable gentleman, as a pack of rogues, smugglers, and unfair traders. It is a treatment they no way deserve, it is a very odd, a very unkind sort of treatment, and such a treatment as I am sure they never will forget, I believe they never will forgive.’

Sir Paul
Methuen's
Speech.

Sir *Paul Methuen*, one of the representatives for the borough of *Brackley* in *Northamptonshire*, said,
‘ Sir, When I first heard of this scheme I was in the country, and there, I must say, that it had been represented in such a light as created a general dislike to it, and raised great apprehensions in the minds of most people. It was represented as a scheme for introducing a general excise ; such a scheme, I own, I would not allow myself to think was contrived or approved of by any gentleman in the administration ; I did imagine, that all those in the administration were very well convinced, that a general excise was what the people of *England*
‘ would

‘ would never quietly submit to, and therefore I
‘ would not allow myself to believe that any of them
‘ would ever countenance a scheme that had the least
‘ tendency that way : But now, Sir, after having
‘ heard it opened, and fully explained, by the ho-
‘ nourable gentleman on the floor, I cannot but
‘ think that it is a wide step towards establishing a
‘ general excise upon the people of this nation, and
‘ therefore I must be excused in giving my dissent
‘ to it.

‘ In so far as it relates to trade, with which it
‘ certainly has a very close connection, I shall leave
‘ it to be explained by others, who are more conver-
‘ sant in those affairs than I am ; and as to how far
‘ it may be a remedy for the frauds mentioned by
‘ the honourable gentleman, I will not take upon me
‘ to say ; but there is another concern which I shall
‘ always, while I have the honour to sit in this
‘ house, have a particular eye to, and that is, Sir,
‘ the liberty of my country. The danger which this
‘ scheme seems to threaten to the liberty of many of
‘ my fellow subjects, is alone of sufficient force to
‘ make me give my negative to the question moved
‘ for. Let gentlemen but reflect, let them but cast
‘ their eyes back, on the several laws that have
‘ been made since the revolution, they will there
‘ find, that there has been already more power
‘ vested in the crown, than may be thought altoge-
‘ ther consistent with the constitution of a free coun-
‘ try, and therefore, Sir, I hope this house will ne-
‘ ver think of adding to that power, which there
‘ may be some ground to suspect to be already too
‘ far extended.

‘ The laws of excise, Sir, have always been looked
‘ on as most grievous to the subject : All those al-
‘ ready subjected to such laws, are, in my opinion,
‘ so far deprived of their liberty ; and since by this
‘ scheme, a great many more of his Majesty’s faith-
‘ ful subjects are to be subjected to those arbitrary
‘ laws,

‘ laws, let the advantages accruing to the public from
‘ it be never so great or so many, they will be pur-
‘ chased at too dear a rate, if they are purchased at
‘ the expence of the liberty of the meanest of his
‘ Majesty’s subjects ; for even the meanest man in
‘ the nation, has as natural and as good a right to
‘ his liberty, as the greatest man in this or in any
‘ other kingdom.

‘ Let us, Sir, but take a view of our neighbouring
‘ nations in *Europe*, they were all once free, the
‘ people of every one of them had once as many li-
‘ berties and privileges to boast of as we have now,
‘ but at present they are most of them reduced to a
‘ state of slavery, they have no liberty, no proper-
‘ ty, no law, nor any thing that they can depend
‘ on. Let us examine their histories, let us inquire
‘ into the methods by which they were deprived of
‘ their liberties, and we shall find a very near re-
‘ semblance between those methods and the scheme
‘ now proposed to us. Almost in every country in
‘ the world, the liberties of the people have been
‘ destroyed under pretence of preserving, or of res-
‘ cuing the people from some great evil, to which
‘ it was pretended they were exposed ; this, Sir, is
‘ the very case now before us ; in order to enable the
‘ crown to prevent some little frauds, pretended to
‘ have been committed in the ancient method of col-
‘ lecting the public revenue, it is proposed to us, to
‘ put such a power in the hands of the crown, as
‘ may enable some future Prince to enslave the whole
‘ nation. This, Sir, is really the light in which
‘ this scheme appears to me, but to the honourable
‘ gentleman who proposed it to us, I am persuaded
‘ it appears in a quite different light, otherwise, I
‘ am certain, he would never have proposed it to
‘ this committee : However, Sir, since the genera-
‘ lity of the nation have already shewn a great dislike
‘ to it, I therefore hope the honourable gentleman
‘ may be prevailed on to delay it till another session
‘ of

‘ of Parliament; in such a delay there can be no
‘ danger, there can be no great loss to the public,
‘ more especially, since the money to be thereby
‘ raised, is not so much as proposed to be applied to
‘ the current services of this present year. If it be
‘ delayed till another session of Parliament, gentle-
‘ men will then have time to consider it fully, and
‘ to consult with their constituents about it; by that
‘ time it may possibly appear in a quite different
‘ light, both to me and to many other gentlemen
‘ without doors as well as within, and then, if upon
‘ examination, it appears to be as good a thing as
‘ some gentlemen now seem to believe, it will with-
‘ out doubt be approved of by the generality of
‘ those without, as well as by the majority of those
‘ within.

‘ But, Sir, I hope those gentlemen, who have now
‘ so good an opinion of the scheme, will not think
‘ of thrusting it down people’s throats, when they
‘ see that the generality of the nation have an opi-
‘ nion of it quite different from what they have;
‘ such a resolution, such an attempt might produce
‘ consequences which I tremble to think of; and this,
‘ Sir, is another motive which is of great weight
‘ with me; I have the honour to know his Majesty,
‘ his royal person I have formerly had the honour
‘ to approach, and I know him to be a prince of so
‘ much goodness, that were this scheme represented
‘ in this light to him, he never would approve of
‘ it; to him it will always be a sufficient reason
‘ against any proposition, that the generality of his
‘ people have shewn their dislike to it. I love his
‘ Majesty, I have a sincere and dutiful respect for
‘ him and all his royal family, and therefore I shall
‘ always be afraid of any thing that may alienate
‘ the affections of many of his Majesty’s faithful
‘ subjects, which I believe would be the certain con-
‘ sequence of the present establishment of this scheme;

‘ for which reasons, Sir, if the question be now pushed,
 ‘ ed, I shall most heartily give my negative to it.

Sir Philip
 Yorke
 Speech.

Mr. Attorney General. ‘ Sir, after the honour-
 ‘ able gentleman by me had opened to the Com-
 ‘ mittee in a manner so full and so clear, a scheme
 ‘ which had met with so unfair and so ungenerous
 ‘ a treatment, before those, who treated it so, could
 ‘ know any thing about it ; I little expected that the
 ‘ honourable gentleman who spoke last, or any gen-
 ‘ tleman in this Committee, could have so far mis-
 ‘ taken it, as to have taken it in the light they now
 ‘ do. In my opinion, Sir, the debate is now put
 ‘ upon a footing very different from what it ought
 ‘ to be ; what can the affair now before us have
 ‘ to do with our constitution ? There is nothing,
 ‘ there can be nothing supposed to be in the propo-
 ‘ sition made by my honourable friend, that can in
 ‘ the least tend towards incroaching on our consti-
 ‘ tution, or towards affecting the liberty of the sub-
 ‘ ject. The only consideration at present before us
 ‘ is, whether we shall allow those gross frauds and
 ‘ abuses formerly committed in the tobacco-trade,
 ‘ to be still carried on with impunity, or if we shall
 ‘ accept of a remedy, which by effectually prevent-
 ‘ ing these frauds for the future, will considerably
 ‘ improve the publick revenue, will be of great ad-
 ‘ vantage to the fair trader, and of singular use and
 ‘ benefit to the whole nation ?

‘ This, Sir, is the plain question now before us,
 ‘ and if it be considered in its proper light, without
 ‘ confounding it with other matters with which it
 ‘ has no manner of relation, I am sure it cannot ad-
 ‘ mit of any debate. The honourable gentleman in
 ‘ opening this affair to us, made it so manifest, that
 ‘ there have been great frauds committed in that
 ‘ branch of trade, and that the preventing of those
 ‘ frauds would be a great improvement to the pub-
 ‘ lic revenue, that what he advanced upon that head,
 ‘ has

‘ has not been opposed or contradicted: And this
‘ house has been upon all occasions so very careful
‘ of the public revenues, and has been always so
‘ ready to agree to any measures for preventing
‘ abuses in the collecting of them, that I cannot help
‘ thinking that the dislike which appears against the
‘ remedy now proposed, must proceed from some
‘ other motives than gentlemen are willing to own.

‘ It is certain, Sir, that by the frauds and abuses
‘ that are committed in this branch of the revenue,
‘ not only the public is cheated of what is due to
‘ them, but likewise every private consumer is most
‘ grossly imposed on, for he pays the same price as
‘ if the duties had actually been paid to the public.
‘ He pays a high price for what he consumes, but
‘ then he has this for his comfort, that he thinks a
‘ great part of that high price goes towards the pub-
‘ lic good of his country; but in all fraudulent trade
‘ he is imposed on, the high price he pays goes every
‘ farthing of it into the pocket of the fraudulent
‘ dealer. This then being plainly the case, I should
‘ think that the gentlemen who are to oppose this
‘ scheme, would endeavour to shew us, that no such
‘ frauds as are pretended have been committed, or
‘ that they are so inconsiderable that they are not
‘ worth minding, or that what is now proposed
‘ would be no sort of remedy for them; but upon
‘ the present question, to talk of our constitution,
‘ seems really to me to be a sort of insinuation, as
‘ if frauds in the collecting of the public revenue,
‘ were become a part of our constitution, and that
‘ whoever attempts to remedy them, must attempt
‘ something against our constitution: And as to the
‘ liberty of the subject, it is not possible for me to
‘ find out any liberty that can be struck at by the
‘ scheme now before us, but the liberty of smug-
‘ gling; for as to national liberty, as to that liberty
‘ which has always been, and I hope always will be
‘ the glory of the people of these kingdoms, it is

‘ certain that our public revenues are its greatest se-
‘ curity : How then can that scheme be said to tend
‘ towards the destroying of liberty, which so evident-
‘ ly tends towards the improvement of that upon
‘ which our liberty manifestly depends ?

‘ As to the raising of clamours and disaffection
‘ among his Majesty’s faithful subjects, there can be
‘ no reason for apprehending any such thing from
‘ the scheme now proposed to us : Whatever cla-
‘ mours may have been unjustly raised by ill-design-
‘ ing men against the scheme, before it was known,
‘ will certainly vanish as soon as it comes to be pub-
‘ lickly known, that there never was any thing in-
‘ tended by the scheme, but only to enable the pub-
‘ lic to receive those duties they are already by law
‘ intitled to, and to prevent the fair trader’s being
‘ undone by rogues and smugglers ; so that one
‘ strong argument with me for agreeing to the scheme
‘ is, that by carrying it into execution, and thereby
‘ shewing to every man what it really is, those ill-
‘ grounded clamours, which have been raised by the
‘ enemies of the government, may be allayed, and
‘ may be made appear to be at last as groundless as
‘ they were at first malicious. Besides, Sir, as one
‘ of the chief things intended by this scheme, is the
‘ relief of the landed interest, it must contribute to-
‘ wards establishing his Majesty and his government
‘ in the hearts and affections of all the landed gen-
‘ tlemen in *England*, when they see themselves so
‘ considerably relieved as to a tax which they have
‘ been charged with for a great many years, and that
‘ without loading them or any of their fellow-sub-
‘ jects with any new tax whatever, or obliging one
‘ honest man in the kingdom to contribute a farthing
‘ to the public charge more than he did before :
‘ This, Sir, must secure to his Majesty the affections
‘ of all honest men, and it will greatly improve our
‘ character among our foreign neighbours ; for when
‘ they see that the government may be supported in
‘ times

‘ times of peace, without the assistance of that im-
‘ position which is yearly raised upon the land-hold-
‘ ers of *Great Britain*, they will be careful of giving
‘ us any disturbance or offence, they will all see that
‘ we have a fund in reserve, ready at all times, and
‘ sufficient for supporting a most heavy and expen-
‘ sive war.

‘ As to the severity of the laws of excise, I am
‘ surpris’d, Sir, to hear gentlemen talk so much of
‘ it as they do. They talk of those laws as if there
‘ were something in them most singularly severe,
‘ when it is well known that the laws of the customs
‘ are in many cases as severe as those of the excise,
‘ and the powers granted by the former are in most
‘ cases as extensive as the powers granted by the lat-
‘ ter : An officer of the customs, Sir, has in many
‘ cases a power of entering the house of any subject
‘ in *Britain* : This, Sir, is a power that is abso-
‘ lutely necessary to be given, and will always be
‘ necessary as long we have any duties to be le-
‘ vied : It is a power they have had for many years
‘ and yet it never has been, I hope it never will be
‘ abused ; if ever it should, the Parliament would
‘ without doubt severely chastize that officer that
‘ committed such an abuse, or those commissioners
‘ who dared to encourage him in the committing of
‘ any such abuse. In this therefore the laws of the
‘ excise are no more severe than the laws of the cu-
‘ stoms, and in most other cases we shall find them
‘ pretty much the same with respect to severity ;
‘ for which reason I could not but be surpris’d to
‘ hear the honourable gentleman who spoke last say,
‘ that he thought all those who were subject to the
‘ laws of excise were downright slaves, and were in-
‘ tirely deprived of their liberty : I believe, Sir,
‘ that most of those people, who are now subject to
‘ the laws of excise, look upon themselves to be as
‘ free, and to enjoy as much liberty, as any other
‘ of his Majesty’s subjects.

‘ One of the great Complaints against this scheme
 ‘ is, I find, Sir, that it will greatly increase the num-
 ‘ ber of excise-officers ; a new army of excisemen, it
 ‘ is said, must be raised for the execution of this
 ‘ scheme, and this may be of dangerous consequence
 ‘ to our liberties. But how little weight there is in
 ‘ this argument I leave to every gentleman to judge:
 ‘ The whole number proposed to be added is not
 ‘ above 126 officers ; but granting that there were
 ‘ to be 150, is this nation to be enslaved by 150 lit-
 ‘ tle excisemen ? In this there is really something so
 ‘ ridiculous, that I am almost ashamed to mention
 ‘ it.

‘ Another objection is, that thereby a great many
 ‘ people will be subjected to be tried by the com-
 ‘ missioners of excise, or by commissioners of ap-
 ‘ peal, who are intirely dependent on the crown, and
 ‘ removable at pleasure ; but this objection, Sir,
 ‘ is I think intirely removed, by making the appeal
 ‘ to three Judges in *Westminster-hall*, who are all
 ‘ Judges for life, and are consequently intirely inde-
 ‘ pendent on the crown. To this the gentlemen
 ‘ answer, that, even before those Judges, the subject
 ‘ is not to be tried by a jury, and this is loudly com-
 ‘ plained of, as if the subjecting of *Englishmen* to
 ‘ any tryal but that by a jury were a great innova-
 ‘ tion, and dangerous encroachment upon our con-
 ‘ stitution. I own, Sir, that by the great charter,
 ‘ by one of the fundamental articles of our consti-
 ‘ tution, every *Englishman* is to be tried by his peers ;
 ‘ but, Sir, has not the wisdom of the nation found
 ‘ it necessary to admit of many exceptions to this
 ‘ general rule ; we have several of our most eminent
 ‘ courts, which are in every method of their pro-
 ‘ ceeding an exception to this rule ; in the court
 ‘ of Chancery we have no trials by juries ; in
 ‘ the high court of Admiralty we have no trials by
 ‘ juries ; and in many particular cases it is ordered
 ‘ that

‘ that the affair shall be tried in the most summary
‘ way without any jury : In all these cases the wis-
‘ dom of the nation found it necessary to depart from
‘ the general rule established by the great charter,
‘ and therefore they altered the method of trial.
‘ Why should not the legislature now do the same ?
‘ Is not their power the same ? And if they see good
‘ reason for it in the present case, ought not they to
‘ do it ? Whatever is done by the wisdom of Parlia-
‘ ment becomes a part of our constitution ; and
‘ whatever new method of trial is thereby introduced,
‘ becomes from thenceforth as much a part of our
‘ constitution as ever the old one was.

‘ Now, Sir, if ever there was a reason in any case
‘ for altering the ancient method of trial by jury, I
‘ am sure there is a very strong reason for altering
‘ it with regard to trials concerning the revenue :
‘ Every gentleman, who has been the least conver-
‘ sant in the courts of *Westminster-hall*, well knows
‘ the partiality of juries in favour of those who are
‘ sued by the crown for any frauds in the public re-
‘ venue ; I could give many instances of it ; but I
‘ shall mention only one.’ (Here he informed the
house of the case) ‘ The defendant in this case was
‘ one of the most famous and the most notorious
‘ smugglers in the whole country, he had often been
‘ tried for such practices, and though he had always
‘ before escaped, yet it was thought impossible he
‘ should then get off ; I had then the honour to serve
‘ the crown, and so must very well remember the
‘ trial ; the evidence against him was so very full
‘ and clear, that I believe there was not a man in the
‘ court, except those on the jury, who were not
‘ fully convinced of the truth of the evidence given
‘ against him ; he was, according to the opinion of
‘ every other man present, fully convicted of what
‘ he was accused of ; yet the gentlemen of the jury
‘ thought fit to bring in a verdict in his favour :
‘ So that really, Sir, the crown can never pretend
‘ to

‘ to prevent smuggling or unfair trading, as long as
 ‘ the trials are to be for the most part by juries ;
 ‘ and where it becomes necessary to alter that method
 ‘ of trial, the altering it in that new case can no more
 ‘ be said to be an innovation or an encroachment on
 ‘ our constitution, than the altering of it formerly
 ‘ in another case was.

‘ In short, Sir, I have as great a value for the li-
 ‘ berty of my fellow-subjects as any gentleman in
 ‘ this house ; I shall always be ready to appear for
 ‘ the liberties of my country whenever I see them
 ‘ in any manner attacked ; but as liberty does not
 ‘ at all enter into the present question, it is needless
 ‘ to make any declarations about it, or to have it in
 ‘ any way under our consideration, and therefore I
 ‘ shall be very ready to give my assent to the mo-
 ‘ tion made by the honourable gentleman near me.’

Sir Paul
 Methuen's
 Speech.

Sir *Paul Methuen*. ‘ I rise up, Sir, only to ex-
 ‘ plain myself as to one particular in which the ho-
 ‘ nourable and learned gentleman over the way, for
 ‘ whom I have a very great respect, seems to have
 ‘ mistaken me, or rather indeed has misrepresented
 ‘ what I said. For I did not say, Sir, that those
 ‘ who are now subject to the laws of excise are down-
 ‘ right slaves, or that they are totally deprived of
 ‘ their liberty. I should be sorry, Sir, if any such
 ‘ thing could be said of any man that has the least
 ‘ pretence to call himself a subject of *Great Bri-*
 ‘ *tain* ; but I said, Sir, that those who are subjected
 ‘ to the laws of excise, are in so far, as they are sub-
 ‘ jected to such laws, deprived of their liberty :
 ‘ They are deprived of a part of their liberty, and
 ‘ therefore cannot be said to be as free as any other
 ‘ of his Majesty's subjects, This I said, Sir, this
 ‘ is still my opinion, and if those who are so unfor-
 ‘ tunate as to be subject to the laws of excise were
 ‘ to be asked the question, Whether they think
 ‘ themselves as free in all cases as those who are sub-
 ‘ ject

‘ ject to no such laws? I believe there is not one
‘ of them but would answer, No.’

Sir *John Barnard*. ‘ I find, Sir, that the ho-
‘ nourable gentleman who opened this scheme to the
‘ Committee, and the honourable and learned gen-
‘ tleman who spoke last, make great complaints
‘ of some people’s having grossly and malici-
‘ ously misrepresented their scheme, before those
‘ malicious persons knew what it was. For my
‘ part, Sir, I happen to be of a very different way of
‘ thinking; for tho’ I am far from thinking that
‘ the scheme, as now opened to us, is the very same
‘ with what it was when first formed, yet even as
‘ it is now opened, it is such a scheme in my opinion
‘ as cannot, even by malice itself, be represented to
‘ be worse than it really is. Now that I know it,
‘ now that I see what it is, it appears to me to be a
‘ scheme that will be attended with all those bad con-
‘ sequences that ever were apprehended from it be-
‘ fore it was known; and I plainly foresee that it
‘ will produce none of those good effects which gen-
‘ tlemen have been pleased to entertain us with the
‘ hopes of: They have indeed gilded the pill a lit-
‘ tle, but the composition within is still the same;
‘ and if the people of *England* be obliged to swal-
‘ low it, they will find it as bitter a pill as ever was
‘ swallowed by them since they were a people.

‘ The learned gentleman was pleased to say, that
‘ he was of opinion that the opposition to this wicked
‘ scheme, (for so, Sir, I must call it) proceeded from
‘ other motives than gentlemen are willing to own:
‘ I do not know what motives he can mean; but I
‘ am persuaded that those gentlemen who propose
‘ this scheme, have some secret views, which it would
‘ neither be convenient nor safe for them to own in
‘ this place. For as to any reasons or views which
‘ may be openly avowed for the proposing of this
‘ scheme

Sir *John
Barnard's
Speech.*

‘ scheme, I know of none but that of preventing the
‘ frauds that may be committed in that branch of the
‘ revenue now under our consideration; and that
‘ this scheme will not answer that purpose, has, I
‘ think, been made plainly appear by my worthy
‘ brother near me; but granting that this scheme
‘ should answer such a purpose, if the laws now in
‘ being, duly executed, are sufficient for answering
‘ that purpose, what necessity is there for applying
‘ this new, this desperate remedy, a remedy which
‘ is certainly much worse than the disease? Before I
‘ proceed any farther, I shall desire that the commis-
‘ sioners of the customs, who are attending at the
‘ door may be called in.’ The commissioners were
accordingly called in, and being asked by Sir *John*,
What they thought the value of the frauds commit-
ted in the tobacco-trade might amount to one year
with another? Their answer in effect was, that they
had never made any computation; but one of them
said, that by a computation he had made only for
the satisfying of his own private curiosity, he belie-
ved the frauds come to their knowledge might a-
mount to 30 or 40,000 *l. per annum* one year with
another. Then Sir *John* put the following question
to them, Whether or no it was their opinion, that
if the officers of the customs performed their duty
diligently and faithfully, it would not effectually pre-
vent all, or most of the frauds that could be commit-
ted in the tobacco-trade? To which they answered,
that it was their opinion it would. Then he ask-
ed them, Whether or no it was their opinion, that
if the commissioners of the customs had the same
power over their officers, that the commissioners of
excise have over their’s, it would contribute a great
deal towards making them more exact and more
faithful in the discharge of their duty, than they
now are? And their answer was, That they be-
lieved it would. After this, the commissioners be-
ing

ing withdrawn, Sir *John* went on to the effect as follows, *viz.*

‘ I now, Sir, leave it to every gentleman in this
‘ house to consider, what real pretence can be form-
‘ ed for introducing such a dangerous scheme, as
‘ what has been proposed to us. The only pretence
‘ I have yet heard made use of is, the preventing of
‘ frauds, by which, say they, the fair trader will be
‘ encouraged, and the revenue increased ; but now
‘ you see, that it is the opinion even of the com-
‘ missioners of the customs, that by a due execution
‘ of the laws now in being, all, or most of those frauds
‘ may be effectually prevented ; and I am sure, if
‘ they can be prevented by the laws in being, the
‘ preventing of them by that method will contribute
‘ much more to the increase of the public revenue,
‘ and to the encouragement of the fair trader, than
‘ the preventing of them by means of the dangerous
‘ scheme now proposed to us. I now leave it to the
‘ whole world to judge, who are they that have se-
‘ cret motives which they are not willing to own,
‘ which they dare not own ; Whether it be those who
‘ are the proposers and promoters of this scheme, or
‘ those who are the opposers of it ?

‘ The learned gentleman seemed to be surprised
‘ how our constitution, or the liberties of our coun-
‘ try came to be brought into the present debate ; he
‘ said he thought they had no manner of concern in
‘ the present question. I am sorry, Sir, to differ
‘ from a gentleman, who by his profession ought,
‘ and who certainly does understand the nature of
‘ our constitution, as well as any man in *England* ;
‘ but I am of opinion, that the constitution of our
‘ government, and the liberty of the subject was ne-
‘ ver more nearly or more immediately concerned
‘ in any question, than they are in the present ; they
‘ are both so deeply concerned, that their preserva-
‘ tion

‘ tion or their total overthrow depends intirely upon
‘ the fuccefs of the fcheme now under our confidera-
‘ tion : If the fcheme fucceeds they muft tumble
‘ of courfe ; if the fcheme is defeated, they may be
‘ preferved ; I hope they will be preferved till time
‘ fhall be no more ; but I muft fay that the learned
‘ gentleman, and every gentleman, who appears as
‘ an advocate for the fcheme now propofed to us, is
‘ much in the right to keep, if they can, the con-
‘ ftitution and the liberties of their country out of the
‘ debate ; it is from thence that the principal argu-
‘ ments are to be formed againft their fcheme ; it is
‘ from thence that fuch arguments may be formed
‘ againft it, as muft appear unanswerable to every
‘ man who has a regard for either.

‘ The gentleman tells us, that there are but 120
‘ or 150 excife officers, befides warehouse-keepers,
‘ to be added by the fcheme now before us, and this
‘ additional number they feem to make a ridicule
‘ of ; but confidering the fwarms of tax-gatherers we
‘ have already eftablifhed, this fmall number (as
‘ they call it) is no trivial matter ; and I would be
‘ glad to know from thofe gentleman, what they
‘ call warehouse-keepers, and what number of them
‘ may be neceffary ? I hope they will allow, that a
‘ warehouse-keeper appointed by the treafury, and
‘ paid by the treafury, is an officer of the revenue,
‘ as much as any other officer whatever ; and if the
‘ number that there muft be of them be added to the
‘ other, I believe we may find that the number of re-
‘ venue-officers to be added by this fcheme, muft be
‘ very confiderable.

‘ As for the new method of appeal propofed, I
‘ can fee no advantage, Sir, that it will be of to any
‘ unfortunate man that may have occafion therefor.
‘ In all cafes the charge and trouble of attending
‘ muft be very great, and the event very precarious ;
‘ but in moft cafes, where poor retailers may have
‘ occafion to be concerned, the charge and the trou-
‘ ble

‘ ble of attendance must be much greater than the
‘ subject can bear, so that all such people must suc-
‘ cumb; they must submit to the determination of
‘ the commissioners of excise, and can expect no
‘ other redress, but what they meet with from the
‘ mercy of those commissioners. The judges of *West-*
‘ *minster-hall* are, ’tis true, for life, but they are
‘ all named by the crown; I shall say nothing of the
‘ present judges who so worthily fill the several
‘ benches of *Westminster-hall*; but if they should die,
‘ and if the crown should be resolved to use that
‘ power which the Parliament had put into their
‘ hands, in order to oppress the subject, they will
‘ always find judges fit for their purpose; judges are
‘ but men, they are subject to the same frailties that
‘ other men are, and the crown has always plenty
‘ of baits wherewithal to tempt them. A judge may
‘ be made a Lord chief justice, a Lord chief justice
‘ may be made a Lord-chancellor, and every one
‘ may have a son, a brother, or a cousin to be pro-
‘ vided for. The crown has many ways by which
‘ they may win over even a judge, to administer
‘ justice according to the directions he shall receive
‘ from court; more especially when he is to admi-
‘ nister justice in a summary way, and without the u-
‘ sual forms of proceeding in courts of law or equity.
‘ For by this new method of appeal, which has been
‘ so much bragged of, care has been taken that the
‘ subject shall not be restored to their antient birth-
‘ right, that is, to a trial by jury: No, this I find
‘ is most carefully avoided, and yet I think it must
‘ be allowed, that it is the inherent right of every
‘ *Englishman* to be tried by his Peers; I am not so
‘ much acquainted with law as to give an account of
‘ the several cases in which this method of trial has
‘ been set aside, or the reasons for so doing; but I
‘ will venture to say, that wherever that method of
‘ trial has been set aside, whether the same was done
‘ by the wisdom of the nation, or otherways, such
‘ altera-

‘ alteration was an innovation, and was a dangerous
 ‘ encroachment upon the original charter of our con-
 ‘ stitution.

‘ As to the pretended partiality of juries, so much
 ‘ complained of by the learned gentleman, it is of
 ‘ no weight with me ; I cannot see how that honour-
 ‘ able gentleman, or any gentleman, can pretend
 ‘ to know what reasons a jury may have for giving
 ‘ their verdict : No gentleman has a right to be be-
 ‘ lieved upon his single say-so, against a verdict gi-
 ‘ ven by twelve honest men upon oath. If there
 ‘ have been so many verdicts given against the crown,
 ‘ as that learned gentleman seems to insinuate, it is
 ‘ to me a strong proof that prosecutions have been
 ‘ set on foot against the subject upon the evidence of
 ‘ witnesses, whose credibility or veracity have not
 ‘ been very much to be depended on, which is so
 ‘ far from being an argument for altering the me-
 ‘ thod of trial by jury, that it is a very strong ar-
 ‘ gument for the continuance of that method in all
 ‘ time to come. But, Sir, as it is now very late,
 ‘ and as I shall probably have another opportunity of
 ‘ giving my sentiments more fully upon the affair
 ‘ now before us, I shall therefore trouble you no
 ‘ farther at present, but only to declare, that now,
 ‘ after hearing this scheme opened to us, I dislike it
 ‘ as much as ever I did any representation of it that
 ‘ ever I heard of, and therefore I shall give my ne-
 ‘ gative to the question proposed.

Sir Joseph
 Fekyll's
 Speech.

Sir Joseph Fekyll master of the rolls, one of the
 representatives for *Ryegate* in *Surrey*. ‘ Sir, as the
 ‘ affair, which is at present the subject of our confi-
 ‘ deration, has been much talked of and very va-
 ‘ riously represented without doors, and as it has
 ‘ been for some months the subject of conversa-
 ‘ tion among people of all ranks and qualities, I
 ‘ was resolved to suspend intirely passing any judg-
 ‘ ment

‘ ment in relation to it, till I should hear it fully o-
‘ pened and laid before this house. There were
‘ indeed some clamours raised without doors, and it
‘ was represented in so many hideous shapes, that I
‘ cannot say but I came this morning to the house
‘ prejudiced rather against, than in favour of any
‘ such project; but still, Sir, I came this morning
‘ into the house, as I always do, altogether unde-
‘ termined, and resolved not to determine myself
‘ till I was fully informed by other gentlemen,
‘ in the course of the debate, of all those facts
‘ which ought to be known before any determi-
‘ nation can be made in an affair of so great im-
‘ portance.

‘ I had before heard, Sir, that by this scheme
‘ the landed gentlemen were to be eased of a part of
‘ the land-tax, that the public revenue was to be
‘ greatly improved, and that our planters in *Ameri-*
‘ *ca* and our fair traders at home were to be greatly
‘ encouraged; but all these considerations would
‘ have had no weight with me, if I had found that
‘ so many of my fellow-subjects were thereby to
‘ have been subjected to the grievous laws of ex-
‘ cise, without any alleviation or alteration. I must
‘ own, Sir, that the severity of the laws of excise
‘ has been long justly complained of, but at the
‘ same time I must say, that the many frauds com-
‘ mitted in that branch of the public revenue now
‘ under our consideration, are most heavy and
‘ grievous, and what I cannot think of seeing the
‘ nation suffer any longer under, without apply-
‘ ing some proper remedy; and since by the propo-
‘ sition now made to us, there is not only an effectual
‘ remedy provided against all those frauds, but like-
‘ wise a method proposed, by which the edge of the
‘ laws of excise is to be blunted, and that severity ta-
‘ ken quite off, which hitherto always afforded just
‘ ground of complaint, therefore I cannot hesitate

‘ one moment as to giving my assent to what is now
‘ proposed.

‘ This consideration, Sir, is of the greater weight
‘ with me, and must be so with every honest man,
‘ that by what is now proposed, the laws of excise
‘ are to be rectified not only in the case now before
‘ us, but in every other case ; the whole body of
‘ those laws are to be reformed and rectified in such a
‘ manner as to remove the greatest objection, with
‘ me indeed the only objection, could ever be made
‘ against the extension of them ; and if this propo-
‘ sition be now rejected, it is not easy to know when
‘ we shall, or if we shall ever have such an opportu-
‘ nity of reforming those laws which have been so
‘ long thought so grievous. With me it hath always
‘ been a principle to hearken to any reasonable
‘ scheme for suppressing of those frauds which are
‘ committed against the public ; I look upon the
‘ persons guilty of such frauds as the greatest of cri-
‘ minals, and if they have any character, if they ob-
‘ serve any decency in private life, I take it to be
‘ only because they have no opportunity to do other-
‘ wise ; for that man must have a very whimsical
‘ conscience who cheats the public, and yet would
‘ scruple to cheat a private man if he had the same
‘ opportunity.

‘ Whatever resolutions we may come to in this
‘ committee, there will probably be a bill or bills
‘ ordered to be brought in pursuant to them ; and
‘ if in the course of the debate any real difficulties be
‘ started, if any reasonable objections be made, with-
‘ out doubt all proper care will be taken, in the fra-
‘ ming such bill or bills, to obviate all the difficul-
‘ ties and objections that shall or may occur : This,
‘ Sir, I make no manner of doubt of, and therefore
‘ I can find no difficulty in giving my assent to the
‘ question proposed.’

George

George Heathcote, Esq; ‘ Other gentlemen have, Mr. Heathcote’s speech.
 ‘ Sir, already fully explained and set forth the great
 ‘ inconveniencies which must be brought on the
 ‘ trade of this nation, by the scheme now proposed
 ‘ to us; those, Sir, have been made very apparent,
 ‘ and from them arises a very strong objection a-
 ‘ gainst what is now proposed; but the greatest
 ‘ objection arises from the danger to which this
 ‘ scheme will most certainly expose the liberties of
 ‘ our country: Those liberties for which our ancest-
 ‘ ors have so often ventured their lives and their for-
 ‘ tunes; those liberties which have cost the nation
 ‘ so much blood and treasure seem already to be
 ‘ greatly retrenched: I am sorry to say it, Sir, but
 ‘ what is now in dispute seems to me to be the last
 ‘ branch of liberty we have to contend for; we have
 ‘ already established a standing army, and have
 ‘ made it in a manner part of our constitution; we
 ‘ have already subjected great numbers of the peo-
 ‘ ple of this nation to the arbitrary laws of excise,
 ‘ and this scheme is so wide a step towards subjecting
 ‘ all the rest of the people of *England* to those arbi-
 ‘ trary laws, that it will be impossible for us to reco-
 ‘ ver or prevent the fatal consequences of such a
 ‘ scheme.

‘ We are told, Sir, that his Majesty is a good and
 ‘ a wise Prince, we all believe him to be so; but I
 ‘ hope, Sir, no man will pretend to draw any argu-
 ‘ ment from thence for our surrendering those liber-
 ‘ ties and privileges, which have been handed down
 ‘ to us by our ancestors: We have indeed nothing
 ‘ to fear from his present Majesty, he never will
 ‘ make a bad use of that power which we have put
 ‘ into his hands; but if we once grant to the crown
 ‘ too great an extent of power, we cannot recal
 ‘ that grant when we have a mind; and tho’ his Ma-
 ‘ jesty should never make a bad use of it, some of
 ‘ his successors may: The being governed by a wise

‘ and a good King does not make the people a free
‘ people ; the *Romans*, Sir, were as great slaves un-
‘ der the few good Emperors they had to reign over
‘ them, as they were under the most cruel of their
‘ tyrants : After the people had once given up their
‘ liberties, their governors have all the same power
‘ of oppressing them, tho’ they may not perhaps all
‘ make the same wicked use of the power that has
‘ been put into their hands ; but a slave that has
‘ the good fortune to meet with a good-natured and
‘ a humane master, is no less a slave than he that
‘ meets with a cruel and barbarous one. Our li-
‘ berties, Sir, are too valuable, and have been pur-
‘ chased at too high a price, to be sported with, or
‘ wantonly given up even to the best of Kings :
‘ We have before now had some good, some wise
‘ and gracious sovereigns to reign over us, but we
‘ find that under them our ancestors were as jealous
‘ of their liberties as they were under the worst of
‘ our Kings : It is to be hoped that we have still
‘ the same value for our liberties ; if we have, we
‘ certainly will use all peaceable methods to preserve
‘ and secure them ; and if such methods should prove
‘ ineffectual, I hope there is no *Englishman* but has
‘ spirit enough to use those methods for the prefer-
‘ vation of our liberties, which were used by our
‘ ancestors for the defence of their liberties, and for
‘ transmitting them down to us in that glorious con-
‘ dition in which we found them. There are some
‘ still alive who bravely ventured their lives and
‘ their fortunes in the defence of the liberties of their
‘ country ; there are many whose fathers were em-
‘ barked in the same glorious cause. Let it never
‘ be said, that the sons of such men wantonly gave
‘ up those liberties for which their fathers had
‘ risked so much, and that for the poor pretence
‘ of suppressing a few frauds in the collecting of the
‘ public revenues, which might easily have been
‘ suppressed

‘ suppressed without entering into any such dangerous measures. This, Sir, is all I shall trouble you with at present, but so much I thought was incumbent upon me to say, in order that I might enter my protest against the question now before us.’

William Pulteney, Esq; ‘ Sir, the honourable Mr. Pulteney's speech. gentleman who opened this affair to us, took up so much of the time of the committee, and it is now so very late, that I am almost afraid of giving you any trouble at present; but I hope, considering the importance of the subject, that gentlemen will excuse me, and will allow me to take some notice of what has been said by the honourable gentleman who introduced the debate, and the honourable and learned gentleman who spoke last but one. As to the frauds, Sir, which the honourable gentleman dwelt so long on, and which the honourable and learned gentleman was pleased to call heavy and grievous, I believe every gentleman in the committee is convinced that there are such frauds; I believe every gentleman will agree that they are most heavy and most grievous; but I do not believe, that it is but of late the honourable gentleman has come to the knowledge of them, nor do I believe that the frauds relating to wine and tobacco are the only frauds he has heard complained of; there is hardly a gentleman in the kingdom but has heard of frauds in almost every branch of the public revenue; even that honourable gentleman must have heard many years ago of the frauds committed in the tobacco and wine trade; why then, Sir, was there no remedy sooner proposed? How could that gentleman see the public revenue, for which he expresses such a tender concern, suffer so long by those frauds, without proposing some expedient for preventing them: The expedient now proposed is certainly no such

‘ new or extraordinary thing ; it might thave been
‘ thought of, I dare say it has often been thought of
‘ before this time, but it seems it was never thought
‘ proper to propose it till dow ; at least it was never
‘ till now thought necessary, and yet it cannot be
‘ said, but that the frauds both in wine and tobac-
‘ co were as great formerly as they are at this pre-
‘ sent time.

‘ The honourable gentleman has been pleased to
‘ tell us, that his thoughts are intirely confined to
‘ the two articles of wine and tobacco, and that no-
‘ thing else was ever designed by him, or any of
‘ his acquaintance, to be subjected to the laws of ex-
‘ cise : Whatever his thoughts may have been in
‘ time past, he must excuse me if I say, that I do
‘ not believe they will be so much confined in time
‘ to come. Are there not frauds, Sir, committed
‘ in every branch of the public revenue ? Will not
‘ that honourable gentleman think himself as much
‘ bound in duty to lay those frauds before this house,
‘ and propose a remedy for them, as he now thinks
‘ himself bound to expose and to offer a remedy for
‘ preventing the frauds in wine and tobacco ? And
‘ if the remedy now proposed be deemed by Par-
‘ liament the most proper and the most effectual
‘ remedy for preventing the frauds in wine and to-
‘ bacco, will not that be made use of as an argu-
‘ ment for applying the same remedy as to the
‘ frauds in every other branch of the public re-
‘ venue ? Will it not be said, you did so and so in
‘ the case of wine and tobacco, why should you
‘ scruple to apply the same remedy in the case now
‘ before you ? So that from the gentleman’s own
‘ reasoning, from his own way of arguing, as to the
‘ case which he has been pleased now to lay before
‘ us, one may see a most plain and evident design of
‘ a much farther extension of the laws of excise ; one
‘ may clearly see a design of subjecting every branch
‘ of

‘ of the public revenue to those arbitrary laws ; only
‘ the gentleman has a mind it seems to be a little
‘ cunning, and to do it by piece-meal.

‘ Whatever opinion the honourable and learned
‘ gentleman may have of the proposition made by
‘ his honourable friend, it is plain it breaths nothing
‘ but the principles of the most arbitrary and most
‘ tyrannical governments that have been established
‘ in *Europe* : The enlarging of the power of the
‘ crown ; the increasing the number of dependers
‘ on the crown ; the rendering the happiness of the
‘ subject precarious and uncertain, and depending
‘ in a manner intirely on the good will of a prime
‘ minister, or of those employed under him, are the
‘ certain consequences of the scheme now proposed
‘ to us : They are the certain consequences of all
‘ schemes for extending the laws of excise, and are
‘ probably the principal views of all those who set
‘ up such projects. Let gentlemen but read the po-
‘ litical testaments of *Richlieu* and *Louvois*, those le-
‘ gacies which were left by the authors to their
‘ master, for instructing him in the principles of ar-
‘ bitrary government ; let gentlemen, I say, but read
‘ those testaments, and they will see that the author
‘ of this scheme, whoever he be, must be very well
‘ versed in them ; they will see how well it agrees
‘ with the principles there laid down for the esta-
‘ blishing and supporting of arbitrary power. It is
‘ for this reason that the *English* nation has always
‘ been so averse to excise projects of all kinds ; the
‘ very word excise has always been odious to the
‘ people of *England*. It is true, there has been an
‘ excise established by Parliament, but it was at first
‘ given as a purchase for the court of wards and li-
‘ veries ; and tho’ that court was most justly looked
‘ on as one of our greatest grievances, yet the pur-
‘ chase has always been reckoned too dear, and that
‘ Parliament which gave the excise has been brand-

‘ ed with the infamous name of a pensionary Par-
‘ liament. Even the great King *William*, notwith-
‘ standing all he had done for the people of *Eng-*
‘ *land*, notwithstanding of his being most generally
‘ beloved and esteemed by his subjects, yet he had
‘ like to have suffered by a notion’s prevailing a-
‘ mong the people, that some new excises were to
‘ have been established. It was publicly said, that
‘ we had got a *Dutch* King, and that therefore we
‘ were to be saddled with *Dutch* excises: That wise
‘ King was so sensible of the danger he might be
‘ exposed to by the prevailing of such a notion, that
‘ he thought it necessary to disavow any such inten-
‘ tion by a public declaration.

‘ I most readily believe, Sir, that the honourable
‘ and learned gentleman over the way comes at all
‘ times to this house undetermined as to any point
‘ that is to be brought before us; I believe he al-
‘ ways comes resolved to be determined by what
‘ shall be offered in the course of the debate; but I
‘ am very much at a loss to find out what in the
‘ present debate has determined him to be of the
‘ opinion he now seems to be of: He has indeed
‘ told us, that the reformation proposed as to the laws
‘ of excise, is what very much weighs with him; he
‘ says that the laws of excise are to be blunted, that
‘ their edge is to be taken off by what is now pro-
‘ posed. In this, Sir, I must confess my short-
‘ sightedness, I can see no reformation in what is
‘ proposed; what I look on as most grievous in
‘ the laws of excise is to continue the same as before;
‘ Are not the officers to have the same oppressive and
‘ vexatious powers continued to them? Are not the
‘ commissioners to have the same dispensing power
‘ with regard to fines and forfeitures? Are trials by
‘ jury to be restored to the subjects? No, Sir, all
‘ these grievances are to remain upon the same foot-
‘ ing they were on before. The power and influ-
‘ ence

‘ ence of the crown by means of the laws of ex-
‘ cise is still to be as great as it was before,
‘ only there are by this scheme many thousands more
‘ to be subjected to it; the method of appeal is in-
‘ deed to be a little altered, but I am afraid the alte-
‘ ration will not be much for the better; the expence
‘ will be much greater, and the redress as precarious
‘ as ever it was before: How then are the laws of
‘ excise to be blunted? Where is this reformation so
‘ much boasted of, and on which that honourable
‘ and learned gentleman seems solely to ground his
‘ opinion? But it seems he expects that when this
‘ proposition comes the length of a bill, many fine
‘ things are to be done, many things more than we
‘ have ever as yet heard of: If it should come the
‘ length of a bill, which I am in great hopes it never
‘ will, he may very probably find himself disap-
‘ pointed, and if that should be the case, I doubt not
‘ but he will be of a different opinion.

‘ Gentlemen have said, that there are no complaints
‘ made of the laws of excise, or of the oppressions
‘ of excise-officers; but, Sir, I believe there is not
‘ a gentleman in this house, who cannot give some
‘ instances, even within his own knowledge, of most
‘ cruel oppressions committed by some of those of-
‘ ficers; I am sure there is no gentleman who has
‘ ever acted in the country as a justice of peace, but
‘ can give hundreds of such instances. The people
‘ have complained so often, and so long, of the se-
‘ verity of those laws, and the vexations of those
‘ officers, that they are now weary of complaining.
‘ To what purpose should they complain, since they
‘ see there has never as yet been any provision made
‘ for their redress? Their complaints have been hi-
‘ therto disregarded, even by those who are in some
‘ manner bound to take notice of them.

‘ The

‘ The honourable gentleman was pleased to dwell
‘ long upon the generosity of the crown in giving
‘ up the fines, forfeitures, and seifures to the public ;
‘ but in my opinion it will be but a poor equivalent
‘ for the many oppressions and exactions which the
‘ people will be exposed to by this scheme. I
‘ must say, that the honourable gentleman has him-
‘ self been of late mighty bountiful and generous in
‘ his offers to the public. He has been so gracious
‘ as to ask us, Will you have a land-tax of two shil-
‘ lings in the pound, or a land-tax but of one ; or
‘ will you have no land-tax at all ? Will you have
‘ your debts paid ? Will you have them soon paid ?
‘ Tell me but what you want, let me but know how
‘ you can be made easy, and it shall be done for
‘ you. These, Sir, are most generous offers, but
‘ there is something so very extraordinary, there is
‘ something so farcical in them, that really I can
‘ hardly mention them without laughing : It puts
‘ me in mind of the story of Sir *Epicure Mammon*
‘ in the *Alchymist*. He was gulled out of his mo-
‘ ney by fine promises ; he was promised the philo-
‘ sopher’s stone, by which he was to get mountains
‘ of gold, and every thing else he could desire ; but
‘ all ended at last in — some little thing for curing
‘ the itch.

‘ I wish the gentlemen, who appear so zealous for
‘ this scheme, would have some little regard to their
‘ constituents. It is well known that it was the
‘ custom among our ancestors when any new device
‘ was proposed, to desire time to have a conference
‘ with their countries : I am but very little conver-
‘ sant in books of law, however I sometimes look
‘ into them, and I must beg leave to read a passage
‘ or two on this subject from my Lord *Coke*. That
‘ great lawyer in the 4th part of his institutes, page
‘ 14th, says, “ It is also the law and custom of the
“ Parliament, that when any new device is moved
“ on the King’s behalf, in Parliament, for his aid,
“ or

“ or the like, the Commons may answer, that they
 “ tendered the King’s estate, and are ready to aid
 “ the same, only in this new device they dare not
 “ agree without conference with their countries;
 “ whereby it appeareth, that such conference is war-
 “ rantable by the law and custom of Parliament.”
 “ And again, in page 34, he tells us, “ At the Par-
 “ liament holden in the 9th *Edw.* III. when a mo-
 “ tion was made for a subsidy of a new kind, the
 “ Commons answered, that they would have con-
 “ ference with those of their several countries and
 “ places, who had put them in trust, before they
 “ treated of any such matter.” If such a confe-
 “ rence, Sir, was ever necessary upon any occasion,
 “ it is surely necessary before we agree to the device
 “ now offered to us; a device which in my opinion
 “ strikes at the very root of our liberties; it is, in
 “ my way of thinking, a downright plan for arbi-
 “ trary power, and in this I am not singular, for
 “ there seems to be many gentlemen of the same o-
 “ pinion within doors as well as without; therefore
 “ I must think that it is necessary, it is incumbent
 “ upon every gentleman in this house, at least to de-
 “ sire to have a conference with his constituents be-
 “ fore he agrees to any such device: This, Sir, would
 “ have been necessary, if we had been intirely igno-
 “ rant of the sentiments of our several countries, but
 “ indeed in the present case such a conference seems
 “ to be quite unnecessary; we already know the
 “ sentiments of our constituents in relation to the de-
 “ vice now offered to us; the whole nation has al-
 “ ready, in the most open manner, declared their
 “ dislike to it, and therefore I hope the gentlemen
 “ of this committee will reject it with that scorn and
 “ contempt it deserves.”

Sir *William Wyndham*. Sir, Tho’ it be now Sir *William*
 “ very late, yet I must beg leave to offer my sen- *Wyndham’s*
 “ timents as to the question now in debate; for it is *Speech.*
 “ a

‘ a question of such importance, that I should not
‘ think I discharged the duty I owe to my country,
‘ without declaring in the most open and public
‘ manner my dislike and abhorrence of the scheme
‘ which has been now opened to us. The scheme,
‘ as now explained to us, has in my opinion been
‘ no way misrepresented. It is the very same with
‘ what has been represented to us; is the very same
‘ with that which the nation has so openly and so
‘ generally declared their dislike to; it is fraught
‘ with all those evils which were ever attributed to
‘ it, and most apparently strikes at the very funda-
‘ mentals of our constitution. The collecting of
‘ any duties by the laws of excise has, in all
‘ ages, and in all countries, been looked on as the
‘ most grievous and most oppressive method of col-
‘ lecting of taxes, and if one method of raising an
‘ excise can be more oppressive than another, it must
‘ be granted, that the method now proposed to us,
‘ of raising this new excise, must of all methods
‘ be the most oppressive, and the most vexatious to
‘ the people: In all countries, excises of every kind
‘ are looked on as badges of slavery, and tho’ the
‘ *English* nation be now unfortunately subjected to
‘ some of them, yet I hope they will never consent
‘ to any new excises, or to any new extension of the
‘ laws of excise, let the pretences for so doing be
‘ ever so specious.

‘ But in the present case, pray Sir, let us con-
‘ sider, what are the specious pretences made use of,
‘ what are the great advantages proposed, for per-
‘ suading us to consent to the subjecting of so many
‘ of his Majesty’s faithful subjects to be plagued and
‘ harraßed by the officers of excise. The suppres-
‘ sing of frauds, and the advantages that will accrue
‘ therefrom to the public and to the fair trader, is,
‘ by what I can find, the only pretence now made
‘ use of; and yet those frauds, even aggravated, as
‘ they

‘ they were, by the honourable gentleman who pro-
‘ posed this scheme to us, do amount to but a meer
‘ trifle ; so that the improvement to be made, as to
‘ the public revenue, will be but very inconsiderable,
‘ if any at all, after deducting the additional charges
‘ of management, which the public will become lia-
‘ ble to by the great increase of officers : This pre-
‘ tence therefore, even when set in the strongest light,
‘ can be no sufficient argument for prevailing on us
‘ to expose our constitution to the least danger, or
‘ to subject any of our fellow countrymen to great
‘ hardships ; but this pretence is still more frivolous,
‘ since it has been made appear to us, that those
‘ frauds are not at all so considerable as they have
‘ been represented ; that all sorts of frauds cannot be
‘ prevented even by the scheme now proposed, and
‘ that many of those frauds that have been lately
‘ committed, might be prevented by the laws now
‘ in being, if care were taken to have proper offi-
‘ cers, and to make those officers diligent and faith-
‘ ful. I grant indeed, Sir, that the power and in-
‘ fluence of the crown will be greatly increased and
‘ improved by this scheme ; I must own, Sir, that
‘ great numbers of the people of this nation will
‘ thereby be rendered most submissive and obedient
‘ to those that shall hereafter be employed by the
‘ crown ; and if this be a motive for agreeing to this
‘ scheme, I must allow that it is a strong one ; I be-
‘ lieve indeed that it is the only real one that any
‘ gentleman can have for giving his consent to such
‘ a scheme ; but with me, Sir, it is so far from
‘ being a motive for giving my consent, that it
‘ is the strongest motive I have for giving my ne-
‘ gative to the question now before us, because I
‘ think it absolutely inconsistent with our constitu-
‘ tion.

‘ ‘Tis true, Sir, an ease to the landed interest has
‘ upon this, as well as upon some other late occasi-
‘ ons of the like nature, been thrown out, as a bait
‘ for

‘ for some gentlemen ; but I hope the landed gentlemen are not to be caught by such baits ; the hook appears so plain, that it may be discovered by any man of common sense ; however I must say, that the method of arguing is unfair, the design is wicked, for it is an endeavour to set the landed interest, in a manner, at war with the trading interest of the nation ; it is endeavouring to destroy that harmony, which always ought to subsist among the people of the same nation, and which, if once destroyed, would certainly end in the ruin and destruction of the whole. But every landed gentleman in *England* will do well to consider what value their lands would be of, if for the sake of a small and immediate ease to themselves, they should be induced to oppress and destroy the trade of their country ; and whoever considers this, will despise all such projects, and reject them with that contempt which they deserve : This, Sir, is one reason for the landed gentlemen not to accept of the pretended ease now offered to them, by agreeing to the scheme now proposed ; but there is another strong reason against it : The house of Commons, Sir, is mostly composed of gentlemen of the best families and greatest properties perhaps in the nation, they have generally a great family-interest in the several counties, cities and boroughs they represent ; if this scheme should take effect, that interest will soon be destroyed ; and surely no man will agree to a scheme which must inevitably destroy the natural interest the great families have, and always ought to have, in their respective counties, and transfer the whole to the crown : If this scheme should once be established, the power and influence of the crown will be so great in all parts of the nation, that no man can depend upon the natural interest he has in his country, for being a member of this house ; he must in all future times, for such a favour, depend intirely upon the crown ; and

‘ this

‘ this I hope there is no gentleman in this house
‘ would chuse to submit to.

‘ *Queen Elizabeth*, that wise and gracious Prin-
‘ cess, governed herself by politics quite different
‘ from those which seem to be at present in vogue ;
‘ she was so far from endeavouring to divide, or
‘ throw discord among her subjects, that she wisely
‘ never gave herself up to any one minister, or to
‘ any one party ; she always preserved a harmony
‘ among all her subjects, and kept a friendly cor-
‘ respondence with all parts and all parties in the
‘ kingdom ; she even kept up a constant personal
‘ correspondence with some of the principal men in
‘ every county, by which she had always a thorough
‘ knowledge of the several sentiments, as well as
‘ circumstances, of all her subjects, and most pru-
‘ dently adapted all her measures to what she found
‘ to be the sentiments of the generality of the na-
‘ tion ; more particularly, she took care to avoid
‘ every thing that appear’d to be disagreeable to the
‘ people : To this wise politic, Sir, it is owing,
‘ that her reign makes such a glorious figure in our
‘ *English* history ; to this it is owing, that she reign-
‘ ed with more popularity than any Prince since her
‘ time, except her royal successor *Queen Anne* :
‘ Thus she reigned, Sir, and reigned absolutely,
‘ but so as I could wish every Prince in *England* to
‘ do ; she reigned absolutely over the hearts and
‘ affections of her subjects, and thereby she had
‘ both their persons and their purses always at com-
‘ mand.

‘ We are told, Sir, why do you complain of this
‘ scheme ? Here is no new tax to be imposed ; there
‘ is nothing proposed but only a new method of
‘ raising those taxes which are already due by law :
‘ But I would have gentlemen remember, that this
‘ nation has once already been more grievously op-
‘ pressed by a new method of raising and collect-
‘ ing that money that was before due by law, than
‘ they

‘ they ever were by any new tax that was ever laid
‘ on them : I have already, Sir, mentioned the
‘ reign of Queen *Elizabeth*, let us but look a little
‘ farther back and we shall find, that the people
‘ were most terribly harraßed, and the nation almost
‘ destroyed, by a grievous method of collecting and
‘ raising that which was due by the laws then in be-
‘ ing : *Empson* and *Dudley*, those two noted ways
‘ and means men, those two wicked ministers, know-
‘ ing the avarice of their master, and the insatiable
‘ desire he had for money, concluded that no scheme
‘ would be more agreeable to him, than those which
‘ would fill his coffers, by draining the purses of his
‘ subjects ; and this they did, Sir, without impo-
‘ sing any new taxes, they laid no new or illegal
‘ burdens on the people, they did it by a severe and
‘ rigorous execution of the laws that had before been
‘ enacted : But what was their fate ? They had the
‘ misfortune to outlive their master, and his son, as
‘ soon as he came to the throne, took off both their
‘ heads. In this he did justly, though he did it a-
‘ gainst law ; they had done nothing contrary to
‘ law, they had only put the laws severely in execu-
‘ tion, and what they did was in obedience to the
‘ commands of the King his father ; yet that could
‘ be no excuse for them ; their manner of executing
‘ those laws was so grievous and oppressive upon the
‘ subjects, that nothing less than their lives could be
‘ admitted of as a sufficient attonement to the peo-
‘ ple ; and certainly, Sir, that oppression which is
‘ committed under the sanction of the laws, or of
‘ the royal authority, must always be deemed to be
‘ the most heinously criminal, and ought to be the
‘ most severely punished.

‘ There never was, in any reign, a scheme or
‘ project attempted, so much to the dislike and dis-
‘ satisfaction of the people in general ; the whole na-
‘ tion has already so openly declared their aversion
‘ to the scheme now offered to us, that I am surpri-

‘ fed to fee it infifted on; the very propofing of
 ‘ fuch a fcheme to a houfe of Commons, after fo
 ‘ many remonftrances againft it, I muft think moft
 ‘ audacious; it is in a manner flying in the face
 ‘ of the whole people of *England*: And fince they
 ‘ have already declared againft it, God forbid that
 ‘ we, who are their representatives, fhould declare
 ‘ for it.

Mr. Chancellor of the *Exchequer*. ‘ Sir, as I was Sir Robert Walpole's Speech
 ‘ obliged, when I opened the affair now before us,
 ‘ to take up a great deal of your time, I then ima-
 ‘ gined that I fhould not have been obliged to have
 ‘ given you any farther trouble; but when fuch
 ‘ things are thrown out, things which, in my opi-
 ‘ nion, are quite foreign to the debate; when the
 ‘ ancient histories not only of this country, but of
 ‘ other countries, are ranfacked for characters of
 ‘ wicked minifters, in order to adapt them to the
 ‘ prefent times, and to draw parallels between them
 ‘ and fome modern characters, to which they bear
 ‘ no other refemblance, but only that they were
 ‘ minifters, it is impoffible for one to fit ftill. Of
 ‘ late years, I have dealt but little in the ftudy of
 ‘ history; but I have a very good prompter by me
 ‘ (meaning the Attorney general) ‘ and by his means
 ‘ I can recollect, that the cafe of *Empfon* and *Dud-*
 ‘ *ley*, mentioned by the honourable gentleman who
 ‘ fpoke laft, was fo very different, from any thing
 ‘ that can poffibly be prefumed from the fcheme
 ‘ now before us, that I wonder how it was poffible
 ‘ to lug them into the debate. The cafe as to them
 ‘ was, that they had, by virtue of old and obfolete
 ‘ laws, moft unjuftly extorted great fums of money
 ‘ from people, who, as was pretended, had become
 ‘ liable to great pains and penalties by having been
 ‘ guilty of breaches of thofe obfolete laws, which
 ‘ for many years before had gone intirely into dif-
 ‘ ufe. I muft fay, Sir, and I hope moft of thofe
 ‘ that

‘ that hear me, think, that it is very unjust and un-
‘ fair to draw any parallel between the characters of
‘ those two ministers and mine, which was I suppose
‘ what the honourable gentleman meant to do, when
‘ he brought that piece of history into the debate.
‘ If I ever endeavour to raise money from the peo-
‘ ple, or from any man whatever, by oppressive or
‘ illegal means, if my character should ever come
‘ to be in any respect like theirs, I shall deserve
‘ their fate : But while I know myself to be inno-
‘ cent, I shall depend upon the protection of the
‘ laws of my country ; as long as they can protect
‘ me I am safe, and if that protection should fail,
‘ I am prepared to submit to the worst that can hap-
‘ pen. I know that my political and ministerial life
‘ has, by some gentlemen, been long wished at an
‘ end, but they may ask their own disappointed
‘ hearts, how vain their wishes have been ; and as
‘ for my natural life, I have lived long enough to
‘ learn to be as easy about parting with it as any man
‘ can well be.

‘ As to those clamours, Sir, which have been rai-
‘ sed without doors, and which are now so much in-
‘ sisted on, it is very well known by whom, and
‘ by what methods they were raised, and it is no dif-
‘ ficult matter to guess with what views ; but I am
‘ very far from taking them to be the sense of the
‘ nation, or believing that the sentiments of the ge-
‘ nerality of the people were thereby expressed. The
‘ most part of the people concerned in those clamours
‘ did not speak their own sentiments, they were plaid
‘ by others, like so many puppets ; it was not the
‘ puppets that spoke, it was those behind the curtain
‘ that plaid them, and made them speak whatever
‘ they had a mind.

‘ There is now, Sir, a most extraordinary con-
‘ course of people at our door ; I hope it will not
‘ be said, that all those people came there of them-
‘ selves naturally, and without any instigation from
‘ others,

others ; for to my certain knowledge, some very odd methods were used to bring such multitudes hither ; circular letters, Sir, were wrote, and were sent by the beadles in the most public and most unprecedented manner, round almost every ward in the city, summoning them upon their peril to come down this day to the house of Commons : This I am certain of, because I have now one of those letters in my pocket, signed by a deputy of one of the greatest wards in the city of *London*, and sent by the beadle to one of the inhabitants of that ward ; and I know that such letters were sent in the same manner, almost to every liveryman and tradesman in that ward. By the same sort of unwarrantable methods have the clamours been raised almost in every other part of the nation.

Gentlemen may say what they please of the multitudes now at our door, and in all the avenues leading to this house ; they may call them a modest multitude if they will, but whatever temper they were in when they came hither, it may be very much altered now, after having waited so long at our door ; it may be a very easy matter for some designing seditious person to raise a tumult and disorder among them, and when tumults are once begun no man knows where they may end ; he is a greater man than any I know in the nation, that could with the same ease appease them ; for this reason I must think, that it was neither prudent nor regular to use any methods for bringing such multitudes to this place, under any pretence whatever. Gentlemen may give them what name they think fit ; it may be said, that they came hither as humble supplicants, but I know whom the law calls sturdy beggars, and those who brought them hither could not be certain, but that they might have behaved in the same manner.

Sir John
Hynd Cotton's
speech.

Sir *John Barnard* then got up to speak, but there being some disorder in the committee, and the question loudly called for, Sir *John Hynd Cotton* got up and spoke thus. ‘ To order, Sir, I hope you will
‘ call gentlemen to order ; there is now a gentleman
‘ up to speak ; a gentleman who speaks as well as
‘ any gentleman in this house, and who deserves at-
‘ tention as much as any gentleman that ever spoke
‘ in this house : Besides, Sir, he is one of the repre-
‘ sentatives of the greatest and the richest city in *Eu-*
‘ *rope*, a city which is greatly interested in this de-
‘ bate, and therefore he must be heard ; and I de-
‘ sire, Sir, that you will call to order, that the com-
‘ mittee may shew him, at least, that respect that is
‘ due to every gentleman who is a member of this
‘ house.’

Sir John
Barnard's
speech.

After which the committee being called to order, Sir *John Barnard* went on in substance as follows.
‘ Sir, I know of no irregular or unfair methods that
‘ were used to call people from the city to your
‘ door ; it is certain, that any set of gentlemen or
‘ merchants may lawfully desire their friends, they
‘ may even write letters, and they may send those
‘ letters by whom they please, to desire the mer-
‘ chants of figure and character to come down to the
‘ court of Requests and to our lobby, in order to
‘ solicit their friends and acquaintances against any
‘ scheme or project which they think may be preju-
‘ dicial to them. This, Sir, is the undoubted right
‘ of the subject, and what has been always practised
‘ upon all occasions. The honourable gentleman
‘ talks of sturdy beggars ; I do not know what sort
‘ of people may be now at our door, because I
‘ have not lately been out of the house, but I believe
‘ they are the same sort of people that were there
‘ when I came last into the house, and then, Sir, I
‘ can assure you, that I saw none but such as deserve
‘ the name of sturdy beggars as little as the honoura-
‘ ble

‘ ble gentleman himself, or any gentleman whate-
 ‘ ver. It is well known, that the city of *London*
 ‘ was sufficiently apprised of what we were this day
 ‘ to be about; where they got their information I
 ‘ do not know, but I am very certain that they had
 ‘ a very right notion of the scheme which has been
 ‘ now opened to us, and they were so generally and
 ‘ zealously bent against it, that whatever methods
 ‘ may have been used to call them hither, I am
 ‘ sure it would have been impossible to have found
 ‘ any legal methods to have prevented their coming
 ‘ hither.

There were several other gentlemen spoke, both for and against the scheme, and at last the question was put upon the motion made by Mr. Chancellor of the *Exchequer*, whereupon they came to a division; and as this affair is still much talked of, we shall give the most correct list we could procure, of those who voted on each side of the question.

List of those who voted for the question, and consequently for the EXCISE SCHEME.

T. Winnington, Droitwich, Worcestershire, *one of the Lords Commissioners of the Admiralty, Teller.*

A LSTON Sir Rowland, Bedfordshire.
 Andrews Townshend, Hindon, *deputy paymaster.*

Anstruther Sir John, Fifeshire, *master of the king's works in Scotland.*

Anstruther Philip, Anstruther, &c. *colonel of a regiment, and since made deputy governor of Minorca.*

Arundel Hon. Richard, Knareborough, Yorkshire, *surveyor general of the works.*

Ash Edward, Heytsbury, Wilts, *com. of trade.*

Ashburnham Sir William, Hastings, Suffex, *chamberlain of the Exchequer, and commissioner of the alienations.*

Austen Sir Robert, New Romney, Kent.

Bacon Waller, Norwich, *commissary at Minorca.*

Bacon Sir Edmund, Thetford, Norfolk, *both a grant of crown lands at Chatham, and a brother in the customs.*

Baker Hercules, Hythe, Kent, *captain in the navy.*

Bateman William, Lord Viscount Leominster.

Beauclerk Lord Vere, Windsor, *commissioner of the navy, and captain of a man of war.*

Bennet Thomas, Nottinghamshire.

Barkeley hon. Henry, Gloucestershire, *colonel of horse grenadiers.*

Bladen Martin, Stockbridge, *commis. of trade.*

Bladen Thomas, Steyning, Suffex, *nephew to Martin Bladen.*

Bond John, Corf-castle, Dorsetshire.

Bradshaigh Sir Roger, Wigan, Lancashire.

Bridgman Sir Orlando, Bletchingly, Surrey, *commissioner of trade.*

Bristow Robert, Winchelsea, Suffex, *clerk of the green-cloth.*

Britiffe Robert, Norwich.

Brodie Alexander, Elginshire, *lyon King at arms.*

Bromley Henry, Cambridgeshire.

Brooksbank Stamp, Colchester, *director of the bank.*

Brudenell hon. James, Andover, Hants, *commis. of trade, and since made groom of the bedchamber.*

Burchet Josiah, Sandwich, Kent, *secretary of the admiralty.*

Burton William, Rutland.

Butler James, Suffex.

Byng hon. Robert, Plymouth, Devon, *commis. of the navy.*

Campbel John, Pembrokehire.

Campbell John, Dunbartonshire, *groom of the bed-chamber to the King.*

- Campbell John, Edinburgh city.
Campbell Sir James, Shire of Argyle.
Campbell Daniel, Glasgow, &c. *his eldest son a commissioner of the customs, and another son receiver general in Scotland.*
Campbell Peter, burgh of Elgin, &c. *an officer in the household, and since made deputy governor of Portsmouth.*
Carey Walter Clifton, Dartmouth, &c. *clerk of the council, and secretary to the Lord Lieut. of Ireland.*
Carr William, Newcastle on Tine.
Carnarvon Marquess of, Hereford, *Lord of the bed-chamber to the Prince.*
Chamberlayn George, Buckingham.
Cholmondeley James, Bossiny, Cornwall, *major of the horse-guards, and governor of Chester-castle.*
Churchill Charles, Castle-rising, Norfolk, *colonel of a regiment of dragoons, and governor of Plymouth.*
Clarke Sir Thomas, Hereford.
Clayton Sir William, Bletchingly, Surrey.
Clayton William, Westminster, *Lord of the treasury.*
Clifton Sir Robert, Retford, Nottinghamshire.
Clutterbuck Thomas, Leskard, Cornwall, *Lord of the admiralty.*
Cockburn John, shire of Haddingtoun.
Conduit John, Whitchurch, Southampton, *master worker of the mint.*
Cope Sir John, Southampton county.
Cope John, Leskard, Cornwall, *colonel of a regiment.*
Coppleston Thomas, Kellington, Cornwall, *had a place in Ireland.*
Corbet William, Montgomery, Flintshire.
Cornwallis hon. Jon, Eye, Suffolk, *equerry to the Prince.*
Cornwallis hon. col. Stephen, Eye, Suffolk, *colonel of a regiment.*
Cotton Sir Robert, Salisbury, Cheshire.
Cracherode Anthony, Lestwithiel, Cornwall, *joint solicitor to the treasury.*

Croft Sir Archer, Boralston, Devonshire, *commissioner of trade.*

Crosse John, Wotton-basset, Wilts.

Crowle George, Kingston on Hull, *commissioner of victualling.*

Cunningham Henry, shire of Stirling, *commissioner of the musters in Scotland.*

D'Anvers Joseph, Bramber, Suffex.

Darcy Sir Conyers, Richmond, Yorkshire, *controller of the household.*

Docminique Paul, Gatton, Surrey, *commis. of trade.*

Doddington George, Bridgwater, Somersetshire, *Lord of the treasury.*

Douglas Robert, Orkney and Zetland, *an officer in the army.*

Downing, Sir George, Dunwich, Suffolk.

Drummond John, burgh of Perth, *director of the East-India company, and commissary for settling commerce.*

Duckett William, Caln, Wilts, *major of the horse grenadiers.*

Dunbar Patrick, Bute and Caithness.

Duncombe Anthony, New Sarum.

Earle Gyles, Malmesbury, Wilts, *clerk of the green-cloth.*

Earle Capt. William Rawlinson, Malmesbury, Wilts, *since made clerk of the ordnance.*

Edgcumbe Richard Plympton, Devonshire, *vice-treasurer of Ireland.*

Edwards Samuel Wenlock, Salop, *under-teller of the Exchequer.*

Elliot Richard, St. Germans, Cornwall, *auditor general to the Prince.*

Erskine Thomas, burgh of Stirling, *captain in the army.*

Erskine Charles, shire of Dumfries, *solicitor general for Scotland.*

Evans Richard, Queensburgh, Kent, *deputy governor of Sheerness, and captain of dragoons.*

Evelyn

Evelyn John, Helston, Cornwall, *groom of the bed-chamber to the Prince.*

Eversfield Charles, Horsham, Suffex.

Eyles Francis, Devizes, *captain in the army.*

Fane John, Buckingham, *captain of a troop of horse.*

Fane Francis, Taunton, Somersetshire, *solicitor to the Prince.*

Farrington Thomas, St. Michael, Cornwall, *receiver of the revenue of Wales.*

Finch hon. Henry, Malton, Yorkshire.

Fitzroy Charles, Thetford, Norfolk, *cornet, and master of the tennis-court.*

Fitzwilliams Visc. Fowey, Cornwall.

Forbes Duncan, Fortrose, Inverness, &c. *Lord advocate for Scotland.*

Forbes Sir Arthur, Aberdeenshire.

Fortescue William, Newport, Hants, *secretary to the chancellor of the Exchequer.*

Fox Stephen, Shaftsbury, Dorsetshire.

Frankland Sir Thomas, Thirsk, Yorkshire, *Lord of the admiralty.*

Gage, Sir William, Seaford, Suffex.

Gallway Lord Visc. Clithero, Lancashire.

Gibson Thomas, Marlborough, Wilts, *scrivener to Sir R. Walpole.*

Glenorchy Lord Visc. Saltash, Cornwall, *envoy to the court of Denmark.*

Gough Sir Henry, Totness, Devonshire.

Gould Nathaniel, Wareham, Dorsetshire.

Gould John, Shoreham, Suffex.

Grant Sir James, Inverness shire, *two brother's officers in the army.*

Gregory George, Boroughbridge, Yorkshire, *store-keeper of the ordnance.*

Griffith John, Carnarvonshire, *captain in the army.*

Grimston William Lord Visc. St. Albans.

Hales, Thomas, Camelford, Cornwall, *clerk of the green-cloth.*

- Hales Sir Thomas, Canterbury, Kent.
 Hamilton Alexander, shire of Linlithgow, *secretary to the Prince of Wales for Scotland.*
 Hamilton Lord Archibald, Lanerkshire, *Lord of the admiralty.*
 Hamilton John, Wendover, Bucks.
 Handasyd Roger, Huntingdon, *colonel of a regiment.*
 Harbord Harbord, Norfolk.
 Harris John, Helston, Cornwall.
 Harrison George, Hertford.
 Heathcote Sir John, Bodmin, Cornwall.
 Hedges John, Boffiny, Cornwall, *treasurer to the Prince.*
 Henley Holt Henry, Lyme, Dorsetshire, *clerk of the pipe.*
 Herbert Henry Arthur, Ludlow, Salop.
 Herbert hon. Robert, Wilton, Wilts, *commissioner of the revenue in Ireland.*
 Heron Patrick, Kirkbright stewarty.
 Hervey John Lord, St. Edmundsbury, Suffolk, *vice-chamberlain to the king's household, and since made a peer.*
 Hinxman Joseph, Christchurch, Southampton, *woodward of the new forest.*
 Houghton Sir Henry, Preston, Lancashire.
 Hope Thomas, Maidstone, Kent.
 Hoste James, Bramber, Suffex, *cousin to Sir Robert Walpole.*
 Hotham Sir Charles, Beverly, Yorkshire, *colonel of a regiment, and groom of the bedchamber.*
 Howard Charles, Carlisle, Cumberland, *colonel of the guards.*
 Howarth Sir Humphry, Radnorshire.
 Hucks William, Wallingford, Berks, *brewer to the King's household.*
 Hucks Robert, Abingdon, Berks, *his son.*
 Huxley George, Newport, Hants, *muster-master general.*
 Jekyll Sir Joseph, Rygate, Surry, *master of the rolls.*

Jennings Sir John, Rochester, Kent, *Governor of Greenwich Hospital.*

Ingoldesby Thomas, Aylesbury, Bucks.

Ingram Henry, Horsham, Suffex, *commis. of the stores at Gibraltar.*

Jewks John, Bridport, Dorset.

Kelsal Henry, St. Michael, Cornwall, *clerk of the treasury.*

Knight John, Sudbury, Suffolk.

Knollys Henry, St. Ives, Cornwall.

Lane Sir Richard, Worcester, *whose son is com. of hawkers and pedlars.*

Laroche John, Bodmin, Cornwall.

Leathes Carteret, Sudbury, Suffolk.

Leheup Isaac, Grampound, Cornwall, *brother-in-law to Hor. Walpole.*

Lewis Thomas, Radnor, *his brother has a good place in the customs.*

Lewis Thomas, New Sarum, Hants.

Liddel George, Berwick.

Lisburne Lord Visc. Cardiganshire.

Lockyer Charles, Ilchester, Somersetshire, *gentleman of the privy-chamber.*

Lloyd Richard, Cardigan.

Lloyd Philip, Christchurch, Hants, *captain of dragoons.*

Longueville Charles, Eastlow, Cornwall, *auditor to the Queen.*

Lowther Sir William, Pontefract, Yorkshire.

Lowther hon. Anthony, Westmoreland, *com. of the revenue in Ireland.*

Lumley John, Arundel, Suffex.

Lyttleton Sir Thomas, Worcestershire, *lord of the admiralty.*

Malpas Lord Visc. Windsor, Berkshire, *master of the horse to the Prince.*

Manners Lord William, Leicestershire, *lord of the bedchamber to the King.*

- Martin Thomas, Wilton, Wilts.
 Medlycot Thomas, Milbourn-port, Som. *commissioner of the revenue in Ireland.*
 Meredith Sir Roger, Kent, *an officer of Dover-castle.*
 Micklethwait Lord, Kingston on Hull.
 Middleton John, Aberdeen, Montrose, &c. *col. of a regiment.*
 Mill Sir Richard, Midhurst, Suffex.
 Monro Sir Robert, Kirkwall, Tain, &c. *his brother captain of an independent company.*
 Monro John, Rosshire.
 Monson George, Great Grimsby, Lincoln.
 Montague hon. Edward, Northampton, *col. of a regiment, and governor of Hull.*
 Mordaunt John, Pontefract, Yorkshire, *col. of the guards.*
 More Robert, Bishop's castle, Salop.
 Morgan Thomas, Town of Brecon.
 Morton Matthew Ducie, Tregony, Cornwall.
 Murray John, Selkirk, Peebles, &c.
 Nasmyth, Sir James, Shire of Peebles.
 Neale John, Coventry, *husband to one of the Queen's bedchamber women.*
 Nicoll Sir Charles Counter, Peterbor. Northam.
 Norton Thomas, Edmundsbury, Suffolk, *lieutenant governor of Chealsea College.*
 Offley Crew, Bewdley, Worcestershire, *gentleman of the privy chamber.*
 Onslow Arthur, [Speaker] Surrey, *chancellor to the Queen.*
 Onslow Richard, Guilford, *col. of the guards, and adjutant general.*
 Orlebar John, Bedford.
 Owen Williams, Pembroke town.
 Oxendon Sir George, Sandwich, Kent, *lord of the treasury.*
 Papillon David, Rumney, Kent.

Parsons Henry, Maldon, Essex, *com. of victualling, purveyor of Chelsea College.*

Pearse Thomas, Weymouth, Dorsetshire, *com. of the navy.*

Peirse Henry, Northallerton, Yorkshire.

Pelham hon. Henry, Sussex, *pay-master general of the army.*

Pelham Thomas, Lewis, Sussex, *com. of trade.*

Pelham Thomas, Lewis, Sussex, *secretary to the embassy in France.*

Pelham James, Newark, Nottingham. *secretary to the Prince, and to the lord chamberlain.*

Pelham Thomas, junior, Hastings, Sussex.

Percival Lord Visc. Harwich, Essex.

Piers Col. William, Wells, Somersetshire.

Pitt John, Camelford, Cornwall, *col. of the guards.*

Pitt Thomas, Oakhampton, Devon.

Polhill David, Rochester, Kent, *keeper of the records in the Tower.*

Powlet Lord Harry, Southamptonsh. *since made a lord of the admiralty.*

Powlet William, Lymington, Southamp.

Powlet Norton, senior, Petersfield, Hants.

Powlet Norton, junior, Winchester.

Powlet Charles Armand, Newton, Hants, *lieutenant-colonel of horse grenadiers.*

Price Uvedale, Weobly, Herefordshire.

Pulteney Henry, Heydon, Yorkshire, *col. of the guards, and equerry to the King.*

Purvis George, Aldborough, Suffolk, *captain in the navy.*

Ramsden John, Apulby, Westmoreland.

Read Sir Thomas, Cricklade, Wilts, *clerk of the green-cloth.*

Read George, Tewksbury, Gloucestershire, *major of the guards.*

Rich Sir Robert, St. Ives, Cornwall, *col. of horse, and groom of the bed-chamber to the king.*

Rider Dudley, St. Germans, Cornwall.

Roberts

- Roberts Gabriel, Chippenham, Wilts.
 Robinson Sir Thomas, Thirsk, Yorkshire.
 Rutherford James, Selkirkshire, *commissary of Peebles.*
 St. Quintin Matthew Chitty, Old Sarum.
 Saunders Sir George, Queenborough, *commissioner of the navy.*
 Scot Robert, Forfarshire.
 Scrope hon. John, Bristol, *secretary of the treasury.*
 Selwyn John, Whitchurch, Hants, *treasurer to the Queen, &c.*
 Shannon Lord Viscount, Grinstead in Suffex, *capt. of a troop of guards.*
 Shaw Sir John, Renfrewshire, *com. for preventing the importation of Irish meal into Scotland.*
 Shelly Sir John, Arundel, Suffex, *his brother one of the commissioners of the salt duty.*
 Sinclair James, Dyfart, Kirkaldie, &c. *major of a regiment of foot-guards.*
 Sloper William, Great Bedwin, Wilts, *deputy conferrer.*
 Smelt Leonard, Northallerton, Yorkshire, *clerk of the ordnance.*
 Speke George, Taunton, Somersetshire.
 Stanhope Charles, Aldborough, Yorkshire.
 Stewart William, Air, Irwin, &c. *pay-master of the P—n—ns.*
 Sutherland hon. William, Sutherlandshire.
 Sutton Richard, Newark, Nottinghamshire, *col. of a regiment, and since governor of Guernsey.*
 Talbot Charles, Durham, *solicitor general.*
 Thompson William, Scarborough, Yorkshire, *commissioner for victualling.*
 Thompson Richard, Reading, Berks.
 Thornhill Sir James, Melcomb, Dorset. *King's painter.*
 Tilson Christopher, Cricklade, Wilts, *clerk of the treasury.*
 Towers Christopher, Lancaster, *reversionary auditor of the impress.*

Towers Thomas, Wareham, Dorsetshire, *reversio-
nary auditor of the impress.*

Townshend hon. Hor. Heytsbury, Wilts.

Townshend hon. Thomas, Cambridge University,
Teller of the Exchequer.

Treby George, Clifton, Dartmouth, &c. *master of
the household.*

Trenchard George, Pool, Dorsetshire.

Tuffnel Samuel, Colchester, *commissioner for settling
commerce.*

Turner Sir Charles, Lynn, *teller of the Exchequer.*

Tylney Earl, Essex.

Tyrconnel Lord Visc. Grantham, Lincolnshire.

Tyrrel James, Boroughbr. Yorkshire, *col. of a re-
giment.*

Vincent Harry, Guilford.

Wade Gen. George, Bath, *col. of a regiment of horse,
and since made governor of Fort William.*

Wager Sir Charles, Portsmouth, Hants, *first lord
of the admiralty.*

Walker Thomas, Westlow, Cornw. *surveyor general
of his Majesty's land-revenues.*

Walpole Right hon. Sir Robert, Lynn, Norfolk,
Chancell. of the Exchequer and lord of the treasury.

Walpole Horatio, Yarmouth, *cofferer and auditor
of the plantations.*

Walpole Edward, Lestwithiel, Cornw. *son of Sir
Robert Walpole, joint secretary of the treasury,
and collector inwards of the customs.*

Walter Peter, Winchelsea, Suffex, *clerk of the peace
for the county of Middlesex, &c.*

Wardour William, Calne, Wilts.

Wentworth Sir William, Malton, Yorkshire.

White Thomas, Retford, Nottinghamshire.

Whitworth Francis, Minehead, Somersetshire, *sur-
veyor of his Majesty's woods.*

Willes John, Westlow, Cornwal, *chief justice of
Chester.*

Williams Sir Nicholas, Carmarthenshire.

Williams Hughs, Anglesea.

Wills

Wills Sir Charles, Totness, Devonshire, *colonel of a regiment of guards, and lieutenant general of the ordnance.*

Woollaston William, Ipswich.

Wyndham Thomas, Pool, Dorsetshire, *Cousin to Mr. Doddington.*

Wynne Thomas, Carnarvon, *clerk of the green-cloth.*

Young Sir William, Honiton, Devonshire, *lord of the treasury.*

York Sir Philip, Seaford, Suffex, *attorney general.*

York John, Richmond, Yorkshire.

Total for the *Excise*, with the Teller, 266.

Sir Thomas Pendergrafs was not returned till the question was carried in the committee, but appeared upon the report, and voted for the *Excise*.

Francis Knollys absent in the committee, but appeared upon the report, and voted against the *Excise*.

List of those who voted against the Question, and consequently against the EXCISE SCHEME.

S. SANDYS, Teller.

A B D Y Sir Robert, Essex,
Aislaby William, Rippon, Yorkshire.

Alington Marmaduke, Agmondesham.

Annesly Francis, Westbury, Wilts.

Astley Sir John, Salop-town.

Aston Sir Thomas, Liverpool, Lancashire.

Bacon Thomas, Cambridge.

Bacon Sir Edmund, Norfolk.

Bagot Sir Walter, Wagstaff, Staffordshire.

Banks John, Corf-castle, Dorsetshire.

Banks Joshua, Peterborough, Northamptonshire.

Barnard Sir John, LONDON.

Bar-

Barrington Sir John, Newtoun, Hants.
Bathurst Peter, Cirencester.
Bathurst Benjamin, Gloucester.
Belfield John, Exeter.
Berkely hon. George, Dover.
Bevan Arthur, Carmarthen.
Bold Peter, Wigan, Lancashire.
Boscawen Hugh, Truro, Cornwall.
Bowes George, Durham-county.
Bowles William, Bridport, Dorsetshire.
Bramston Thomas, Malden, Essex.
Broke Philip, Ipswich, Suffolk.
Bromley William, Warwick.
Browne John, Dorchester.
Bulkeley Lord Viscount, Beaumaris, Anglesea.
Burrard Paul, Yarmouth, Isle of Wight.
Burrel Peter, Haslemere, Surrey.
Cæsar Charles, Hertfordshire.
Carew Sir William, Cornwall.
Cartwright Thomas, Northampton.
Caswal Sir George, Leominster, Herefordshire.
Chafin George, Dorsetshire.
Charlton St. John, Bridgenorth, Salop.
Chetwynd Lord Viscount, Staffordshire.
Chetwynd John, Stockbridge, Hants.
Child Sir Francis, Middlesex.
Childe William-Laycon, Salop-county.
Cholmondely Charles, Cheshire.
Clarke Godfrey, Derbyshire.
Cocks James, Rygate, Surrey.
Coffin Richard, Barnstaple, Devonshire.
Compton George, Northampton.
Cornbury Lord Viscount, Oxford University.
Cornwall Velters, Herefordshire.
Cotton Sir John Hynde, Cambridge-town.
Courtenay Sir William, Devonshire.
Crisp Thomas, Ilchester, Somersetshire.
Curzon Sir Nathaniel, Derbyshire.

Dalrymple Col. John, Burgg of Wigtoun.
Dalrymple Sir James, Burgh of Haddington.
Dalrymple hon. Col. William, Shire of Wigtoun.
Davers Sir Jermyn, Suffolk.
Devereux hon. Price, Montgomeryshire.
Digby hon. Edward, Warwickshire.
Drax Henry, Lyme, Dorsetshire.
Drewe Francis, Exeter.
Dondafs Robert, Shire of Edinburgh.
Elton Sir Abraham, Bristol.
Eyles Sir John, London.
Eyles Sir Joseph, Southwark.
Fazakerley Nicholas, Preston, Lancashire.
Fenwick Nicholas, Newcastle upon Tine.
Finch hon. John, Higham-ferrers, North.
Finch hon. John, Maidstone, Kent.
Foley Edward, Droitwich, Worcestershire.
Fortescue hon. Theoph. Barnstaple, Devon.
Fuller John, Plimpton, Devon.
Furnefs Henry, Dover.
Gage Lord Viscount, Tewksbury, Glou.
Gay Robert, Bath.
Gower Baptist Leveson, Newcastle, Staff.
Gower hon. Wm. Leveson, Newcastle, Staff.
Grosvenor Sir Robert, Chester.
Guidott William, Andover, Hants.
Gybbon Philip, Rye, Suffex.
Hall Charles, Lincoln.
Hanbury John, Monmouthshire.
Harley Edward, Herefordshire.
Harrison Thomas, Old Sarum.
Harvey Michael, Milbourn-port, Somersetshire.
Hawkins Philip, Grampound.
Heathcote William, Southampton.
Heathcote George, Hindon, Wilts.
Hedworth John, Durham-county.
Henley Anthony, Southampton.
Hoby Sir Thomas, Marlow, Bucks.
Holland Rogers, Chippenham, Wilts.

Hope Sir J. Bruce, Kinross and Clackman.
Howe John, Wiltshire.
Howard Henry Lord, Walden Boralston, Devon.
Hylton John, Carlisle, Cumberland.
Inwen Thomas, Southwark.
Inchequin Earl of, Tamworth, Staff.
Isham Sir Justin, Northamptonshire.
Kemp Sir Robert, Suffolk.
Kemp Robert, Orford, Suffolk.
Keyt Sir William, Warwick.
Lawson Gilfrid, Cumberland.
Lawson Sir Wilfrid, Cockermouth, Cum.
Lee Sir Thomas, Bucks.
Lee George, Brackley, Northamptonshire.
Leigh hon. Charles, Bedfordshire.
Levinz William, Nottinghamshire.
Lewen George, Wallingford, Berks.
Limerick Lord Viscount, Wendover, Bucks.
Lisle Edward, Marlborough, Wilts.
Lister Thomas, Clithero, Lancashire.
Lloyd Salisbury, Flint-town.
Lowther Sir James, Cumberland.
Lowther Sir Thomas, Lancashire.
Lutterel Alexander, Minehead, Somerset.
Lutwyche Thomas, Agmondesham, Bucks.
Lyster Richard, Salop-county.
Mackenzie Sir George, Cromarty and Nairn.
Manfel hon. Buffy, Cardiff, Glamorganshire.
Master Thomas, Cirencester, Gloucestershire.
Master Legh, Newton, Lancashire.
Meadows Sidney, Truro, Cornwall.
Merril John, St. Albans.
Methuen hon. Sir Paul, Brackley, Northamp.
Middleton Sir William, Northumberland.
Milner Sir William, York.
Moneux Sir Humphry, Tavistock, Devonshire.
Morpeth Lord Viscount Morpeth, Northumb.
Morrice Sir William, Newport, Cornwall.
Mostyn Sir Roger, Flintshire.

Mountrath Earl of, Castle-rising, Norfolk.
Newland William, Gatton, Surrey.
Newton Sir Michael, Grantham, Linc.
Nightingale Joseph-Gascoign, Stafford.
Noel hon. Thomas, Rutland.
Noel Sir Clobery, Leicestershire.
Norris Sir John, Portsmouth, Hants.
Northmore William, Oakhampton, Devon.
Ongley Samuel, Shoreham, Suffex.
Parker Winchcomb, Berkshire.
Packington Sir Herbert, Worcestershire.
Palmer Thomas, Bridgewater, Somerset.
Parsons Humphrey, London.
Pelham Charles, Beverley, Yorkshire.
Perrot Henry, Oxfordshire.
Perry Micaiah, London.
Peyto William, Warwickshire.
Philips Erasmus, Haverford-west, Pemb.
Plummer Richard, Litchfield, Staff.
Plummer Walter, Apulby, Westmoreland.
Plumtree John, Bishops-castle, Salop.
Pottinger Richard, Reading.
Powlet Lord Nassaw, Lymington, Southamp.
Pulteney William, Heydon, Yorkshire.
Rashleigh Jonathan, Fowey, Cornwall.
Reynell Richard, Ashburton, Devonshire.
Rolle Henry, Devonshire.
Rowney Thomas, Oxford-city.
Rushout Sir John, Evesham, Worcestershire.
Sambrooke John, Wenlock, Salop.
Sambrooke Sir Jer. Vanacker Bt. Bedford.
St. Aubin Sir John, Cornwall.
St. John hon. John, Wotton-Basset.
Saunderson Sir Thomas, Lincolnshire.
Scawen Thomas, Surrey.
Scor James, Kinkardinshire.
Sebright Sir Thomas, Hertfordshire.
Seymour Francis, Bedwin, Wilts.

Shafto

Shafto John, Durham-city.
Shepherd Samuel, Cambridgeshire.
Shippen William, Newton, Lincolnshire.
Shirley hon. Robert, Stamford, Lincolnshire.
Shuttleworth Richard, Lancashire.
Slingsby Sir Henry, Knaresborough, Yorkshire.
Somerfet Lord Charles Noel, Monmouthshire.
Spencer hon. John, Woodstock, Oxfordshire.
Stanhope hon. John, Nottingham.
Stanhope Sir William, Bucks.
Stanhope Charles, Derby.
Stanley Sir Edward, Lancashire.
Stapleton, Sir William, Oxfordshire.
Talbot John, Ivory, Wilts.
Taylor Joseph, Petersfield, Hants.
Townshend hon. Wm. Yarmouth, Norfolk.
Tremayne Arthur, Launceston, Cornwall.
Turner Cholmley, Yorkshire.
Vane Lord Viscount, Steyning, Suffex.
Vane, hon. Henry, St. Maw's, Cornwall.
Vaughan, hon. Wm. Gywn, Brecon-county.
Vernon Sir Charles, Bt. Chipping-Wicomb.
Vernon George Venables, Litchfield, Staff.
Vernon Edward, Penryn, Cornwall.
Vyner Robert, Lincolnshire.
Walcot John, Salop-county.
Waller Edmund, Great Marlow.
Waller Harry, Chipping-Wicomb, Bucks.
Ward John, Newcastle, Staffordshire.
Warden Bonlace, Nottingham.
Williams Sir John, Aldborough, Suffolk.
Willoughby hon. Thomas, Tamworth.
Windham Thomas, Dunwich, Suffolk.
Windford Thomas, Hereford.
Wortley Montague Edward, Huntingdon.
Wrighte George, Leicester.
Wyndham Sir William, Somerfetsire.
Wynn Watkin Williams, Denbighshire.

Total against the Excise, with the Teller, 205.

These voted afterwards against the Excise.

Edward Rudge.	Lord Tyrconnel.
Sir C. Bunbury.	W. Noel.
Sir C. Bishop.	R. Jenifon.
Sir J. Coryton.	Lord C. Cavendish.
Lord J. Cavendish.	George Clarke.
E. M. Pleydell.	F. Knollys.
E. Tucker.	J. Weaver.
Sir T. Clarke.	T. Horner.
Sir E. Desbouverie.	Sir T. Prendergast.
Sir E. Dering.	J. Gifford.
T. Bootle.	B. Styles.
Sir G. Beaumont.	J. Rudge.
Sir Richard Ellis.	J. York.
Lord Coleraine.	

Resolutions
of the excise
committee.

After the question upon this first resolution had been thus carried in the affirmative, the following resolutions were proposed and agreed to without any division, *viz.*

2d. That it was the opinion of that Committee, that in lieu of the said duties, (*viz.* those mentioned in the first resolution) so to be determined, there should be granted to his Majesty an inland duty of four pence *per* pound upon all tobacco imported from the *British* plantations, to be paid before the taking the same out of the warehouse.

3d. That it was the opinion of that Committee, that the inland-duties, to be raised and levied upon tobacco, should be appropriated and applied to the same uses and purposes, as the former duties upon tobacco, to be determined, were appropriated and applied.

4th. That it was the opinion of that Committee, that all fines, penalties, forfeitures, and seizures, to arise by the said duties, should be applied to the use of the public, except so much thereof as should be allowed to the informers or prosecutors.

Thus the excise-scheme triumphed for this first day in the house of Commons, but the debate had lasted so long, that it was near two o'clock on *Thursday* morning before the house rose, and therefore they adjourned over till next day, being *Friday* the 16th of *March*, on which day they ordered the report to be received.

On *Friday* the 16th of *March*, Sir *Charles Turner* Report of the excise-committee. (according to order) reported to the house the resolutions the Committee had come to in relation to the duties on tobacco. After Sir *Charles* had read the report in his place, and had delivered it in at the table, the serjeant at arms attending the house, was ordered to go with the Mace into *Westminster-hall*, and into the court of requests, and places adjacent, and summon the members there to attend the service of the house, which is a ceremony generally observed when any thing extraordinary is to come before the house, and was accordingly observed on the *Wednesday* preceding, before the house resolved itself into a Committee for taking this affair into consideration. After the serjeant at arms was returned, the first resolution the Committee had come to was read, and the question being proposed for agreeing with the Committee in that resolution, Sir *John Barnard* stood up and spoke to the effect as follows, *viz.*

‘ Tho’ the resolutions, Sir, which have been now read to us, were agreed to by a majority of those present in the committee, yet I can make no manner of doubt, but that now, after gentlemen have

Sir J^{hn} Barnard’s Speech.

‘ had time to consider that affair seriously, there
‘ will be many of a different opinion from what
‘ they were of in the committee; for my own part,
‘ Sir, I must say, that the more I consider that
‘ scheme on which these resolutions are founded, the
‘ more objections I find to it, the less I find in those
‘ arguments which were offered in support of it.
‘ One of the chief ends proposed by this scheme is,
‘ the preventing of those frauds which have former-
‘ ly been committed in the tobacco-trade; but if
‘ we particularly examine those frauds, we shall find,
‘ that every one of them may either be prevented
‘ by the laws already in being, or they are such as
‘ cannot be effectually prevented by any thing in the
‘ scheme proposed.

‘ That fraud which has been committed upon the
‘ weighing of the tobacco at the custom-house, and
‘ likewise that of exporting one sort of tobacco for
‘ another, is altogether owing, as has been already
‘ observed, to a neglect of duty in the officers, and
‘ not to any defect in the laws: And as to the frauds
‘ of running or re-landing tobacco after it has been
‘ entered for exportation, and has received the draw-
‘ backs, which are those by which the public has,
‘ and always will suffer the most, there is nothing in
‘ the scheme that can any way contribute to the pre-
‘ venting them; for it is not the manner of collect-
‘ ing of duties, but the amount of the duties which
‘ occasions smuggling or running in all countries and
‘ in all branches of trade; and since the duties on
‘ tobacco are by this scheme to be as high, or very
‘ near as high, as they were before, we may expect,
‘ that there will be as much smuggling as there was
‘ formerly; where the temptation is great, there
‘ will be a great many that will run the risque be it
‘ ever so great.

‘ As for the warehouses proposed, if there be any
‘ thing in that part of the scheme, which may be
‘ of use against smuggling, it is not, Sir, to this
‘ scheme

‘ scheme that the proposition owes its birth ; it is,
‘ Sir, what the merchants themselves have long ago
‘ desired ; and for that purpose, I drew up some
‘ time ago a clause to have been offer’d to this house,
‘ which I shewed to the honourable gentleman on
‘ the floor ; and at that time the affair would have
‘ been pushed, but there arose some disputes and dif-
‘ ferences among the merchants themselves, which
‘ occasioned its being deferred : That part of the
‘ scheme therefore I shall find no fault with, I be-
‘ lieve no merchant will, but then we would have
‘ it without the laws of excise ; for this reason the
‘ honourable gentleman cries out against the mer-
‘ chants as a very unseasonable set of men ; he says
‘ that they formerly desired to have warehouses, and
‘ yet now they refuse to accept of them. But do
‘ not gentlemen see where the difference lies ? The
‘ merchants desire to have warehouses without an
‘ excise, and the honourable gentleman will not it
‘ seems favour us with the one, without loading us
‘ with the other.

‘ As to what the civil list may get by this scheme,
‘ it will depend intirely upon the effect the scheme
‘ may have in relation to the preventing of frauds ;
‘ but it is certain that, if the public revenue get any
‘ thing by the scheme, the civil list will get in pro-
‘ portion, or rather more ; for, by what is now
‘ proposed, that part of the duty which goes towards
‘ the civil list is still to be payable upon importation
‘ at the custom-house, and to be drawn back on
‘ exportation as before : Now it is manifest, that
‘ this will be a great advantage to the civil list, and
‘ often a great inconvenience to the merchant ; for
‘ once in every six weeks that money will be carried
‘ to the *Exchequer*, and when once it is lodged
‘ there, I believe it will there remain ; it will never
‘ be sent back to the custom-house, to answer any
‘ occasion there may be for it at that place ; so that
‘ when the merchant comes to export a quantity of
‘ tobacco,

‘ tobacco, and to call for his drawback, if the com-
‘ missioners have none of that civil list money in
‘ their hands, they cannot apply the produce of any
‘ other branch of the public revenue to that use, and
‘ therefore the merchant must wait for his draw-back
‘ till some new tobacco’s be imported; by which
‘ means the crown may often have the use of that
‘ money, which should have been applied to the
‘ payment of the merchant, perhaps for near a
‘ twelve-month at a time; and the lying-out of that
‘ money for so long a time may often happen to
‘ be of dangerous consequence to the merchant’s
‘ credit.

‘ The honourable gentleman talk’d of making
‘ *London* a free port, I wish, Sir, with all my heart
‘ he would do so; it is certainly what every mer-
‘ chant wishes to see done, and what would greatly
‘ contribute to the increase and encouragement of
‘ the trade of this nation; but how such a pretence
‘ can be set up in favour of the scheme now before
‘ us, I cannot comprehend; for I can see nothing
‘ in the scheme that has the least tendency towards
‘ producing an effect so much to be wish’d for: On
‘ the contrary, it appears evident to me, that by
‘ this scheme the port of *London*, and all the other
‘ ports of the kingdom, will be so far from being
‘ made free, that at every one of them the merchant
‘ will be subjected to more trouble and expence,
‘ both upon importation and exportation, than ever
‘ he was before. ’Tis true that, upon the importa-
‘ tion of tobacco, the merchant was formerly obli-
‘ ged to pay down the whole duties, or give his
‘ bond with sufficient sureties for them, but this was
‘ never any hardship upon the merchant, because, if
‘ he had ready money, he advanced it for the prompt
‘ payment of the duties, and he had an allowance
‘ for so doing, which was but a reasonable allow-
‘ ance, considering how long he was sometimes ob-
‘ liged to keep his tobacco on his hands, before he
‘ met

met with a market either for home-consumption or
exportation, and how many months credit he was
often after that obliged to give to the buyer; and
if he had not ready money at command, he could
formerly give his bond for the whole duties with
two sufficient sureties, which a man of tolerable
credit could always easily find; whereas, by this
scheme, it seems, every merchant-importer of to-
bacco must pay some part of the duties at the en-
try, let him make what shift he will for the mo-
ney, which to a poor man is a new hardship, and
to a rich man, the payment of that part of the du-
ties in ready money is a greater hardship than the
payment of the whole, considering that he has no
allowance for prompt payment, as to that part of
the duties which he is obliged to pay in ready
money.

I am surpris'd, Sir, to hear any gentleman say,
that brewers make no complaints on account of
their being subjected to the laws of excise: I do
not know what sort of brewers those gentlemen
may converse with, but I never conversed with any
who did not complain of it as a very great griev-
ance, nor did I ever meet with any who could not
give very good and substantial reasons for their
complaints. There are many particular ways by
which the officers of excise may be troublesome
and vexatious to the brewer, but there is one which
is generally practis'd all over the kingdom, and
that is, that those officers not only gauge and take
an account of their liquors, but likewise oblige the
brewers to shew them their books as often as they
have a mind, by which means they not only pry
into all the secrets and mysteries of their trade, but
likewise into their circumstances and fortunes. Can
any gentleman look upon this as no grievance? Is
it not a hardship upon any man, to have the secrets
and mysteries of his trade expos'd to every little
fellow whom the commissioners of excise shall please
to

‘ to put in authority over him? But is it not still a
‘ greater hardship for a man to be obliged to disco-
‘ ver his circumstances to one who is an utter stran-
‘ ger to him, perhaps to one who is his most impla-
‘ cable enemy?

‘ The honourable gentleman, I find, Sir, values
‘ himself much upon the small increase of excise-
‘ officers that is to be made by his scheme, but then
‘ he seems to forget the warehouse-keepers: They,
‘ as well as the other officers of excise, are all to be
‘ named by the crown and paid by the public, con-
‘ sequently they are certainly to be called officers of
‘ the revenue: They will be as expensive to the
‘ public, and as great slaves to the administration,
‘ as any other sort of officers whatever. As there are
‘ a great number of tobacco-warehouses in *Britain*,
‘ there must be a great number of them employed
‘ to attend those warehouses as often as there shall be
‘ occasion for them, otherwise it will be impossible
‘ for the merchant to manage or dispose of the
‘ goods he has there lodged; from whence I must
‘ conclude, that the number of those warehouse-
‘ keepers will be much more than double the num-
‘ ber of the other new officers to be added by this
‘ scheme.

‘ Gentlemen seem to make light of the trouble
‘ that merchants will be put to by those warehouse-
‘ keepers; they think it will be no inconvenience
‘ to the merchant to be debarred all access to his
‘ goods, but at those hours when the warehouse-
‘ keeper is to be obliged to attend him. Those
‘ who argue at this rate, seem to know but little of
‘ the various accidents that happen in trade; but
‘ this is not the only inconvenience that even the
‘ merchant is to be exposed to by this scheme; he
‘ must, for every quantity of tobacco he sells, make
‘ a journey, or send a messenger to the permit-office
‘ for a permit, which must necessarily put him to a
‘ great deal of trouble, and also to a great expence;
‘ and

and therefore, that the merchant may be as much eased as possible, I hope that, as soon as those public warehouses are all appointed, there will be two little lodges like centry-boxes, built somewhere adjoining to each warehouse, one for the warehouse-keeper, and the other for the officer who is to grant the permit.

It has been said, that liberty has nothing to do in the question now before us; but, in my opinion, if it is not deeply concerned in this question, it never can be concerned in any question that can come before this house: Is not every man's house looked on as his asylum? Is then the giving a power to any little paltry excise-man to enter people's houses, at all times of the day and night, no incroachment upon the liberty of those people? If it is not an incroachment upon a man's liberty, it certainly is a very direct one upon his property, and of consequence it will be found to be an incroachment upon his liberty; for can any man be said to be free, who must submit to, and be the humble slave of his excise-man, otherwise he must expect no quiet or comfort within his own dwelling-house: The most blameless conduct cannot secure him against vexation, and no man can be said to be free, who cannot depend upon his innocence for his protection: An officer, invested with such power, may fall upon twenty ways to teize and vex the most innocent man upon earth: I know that one of my acquaintance, who has the misfortune to be subject to the laws of excise already in being, was, for a considerable time together, regularly visited by his excise-man at the hour the family went to dinner; and if they had but civilly asked the gentleman to call at any other time, his immediate answer was, *No, Sir, I'm in a hurry, I have a great deal of other business to attend besides yours; I must immediately visit such a place, if you will not allow me I must go, and I know what*

‘ to do. By this rude behaviour the whole family
 ‘ was disturbed, and one of them was always obli-
 ‘ ged to get up from dinner, in order to go and let
 ‘ him visit such places in the house as he had a
 ‘ mind.

‘ These, Sir, are the fellows who, by this fine
 ‘ scheme, are to be put into every man’s house that
 ‘ is a dealer in either of the two commodities of to-
 ‘ bacco or wine : These are the Lord Danes, who
 ‘ are to be, by law, appointed to lord it over every
 ‘ such dealer and his whole family. We know what
 ‘ was the fate of the Lord Danes we had formerly
 ‘ in *England*, and I shall be very little surpris’d if
 ‘ these new ones meet with the same fate. In short,
 ‘ Sir, gentlemen may dress up this scheme in what
 ‘ shape they please, but to one who considers it cool-
 ‘ ly and impartially as I have done, it must appear
 ‘ in its true colours. I am convinced that it will
 ‘ produce nothing but the most mischievous conse-
 ‘ quences, not only to those who are to be imme-
 ‘ diately affected by it, but likewise to the liberties
 ‘ and properties of the nation in general, and there-
 ‘ fore I am intirely against agreeing to the resolutions
 ‘ of the committee.’

Horatio Walpole spoke next, for agreeing with the
 committee ; *Thomas Bacon*, Esq; spoke against it ;
Lord Harvey for it ; then *Sir Thomas Robinson* spoke
 in substance as follows :

*Sir Thomas
 Robinson’s
 speech.*

‘ As I had not an opportunity in the committee
 ‘ of giving my opinion in this question, I hope I
 ‘ shall be indulged the liberty of doing it now, since
 ‘ I find the whole is to be canvass’d over again. I
 ‘ will take up as little of your time as possible, in
 ‘ making a few observations on the scheme itself, as
 ‘ it now appears to us, and on what has fallen from
 ‘ some gentlemen in the course of this debate.

‘ Sir, I cannot help expressing my surprise, to
‘ hear so often repeated the cruel usage the *English*
‘ merchants have met with of late: For God’s sake,
‘ Sir, let all that has been said in this house, during
‘ the time this affair has been upon the anvil, let it
‘ be fairly and impartially canvassed, and it will
‘ come out to be against the unfair dealers in wine
‘ and tobacco, and against them only: Why should
‘ gentlemen therefore apply it to merchants in gene-
‘ ral? Give me leave to say, Sir, whoever makes
‘ such application, ’tis they who pin the question
‘ upon the whole body of merchants, and not those
‘ gentlemen who think the method proposed of col-
‘ lecting this revenue, will secure to the public what
‘ they have an undoubted right to. All that has
‘ been said on this head, and what we are now en-
‘ deavouring to do by this bill, is calculated to affect
‘ those men only, whose artifice and cunning have
‘ hitherto evaded the customs, against whom no less
‘ caution can secure that duty to the public purse,
‘ which every consumer of this commodity has an in-
‘ disputable right to have fairly collected.

‘ Surely, Sir, no gentleman who appears for this
‘ scheme, would for his own sake protect or coun-
‘ tenance it, if he imagined the success would either
‘ affect our trade, or the body of the *English* mer-
‘ chants immediately concerned in the exportation
‘ of our own manufactures, or by way of return for
‘ them, in the importation of foreign productions
‘ useful and necessary to us; for it is to our trade,
‘ and to our merchants, that the real causes of the
‘ wealth and prosperity of this nation are principally
‘ to be ascribed. But, Sir, this scheme is not intend-
‘ ed to affect, nor will, I think, in any shape reach
‘ these men, which when they come impartially to
‘ consider, they must be sensible of; and then they
‘ will be able to judge, whether they have been a-
‘ larmed at the approach of real, or only at the noise
‘ of imaginary dangers.

‘ I am

‘ I am very sorry, Sir, to hear so often urged,
‘ that these restrictions proposed only for the prevent-
‘ ing of frauds, will be a discouragement to trade in
‘ general ; for the natural conclusion from thence
‘ would seem to be, that frauds and trade were inse-
‘ parable : As the very foundation of this scheme
‘ appears to me to be intended for the improvement
‘ of the public revenue, by the discouragement of
‘ frauds, when it is so often affirmed, that it will also
‘ be a discouragement to trade, a stranger in the gal-
‘ lery, who was to hear our debates, would natural-
‘ ly imagine a continuance of, or a connivance at
‘ frauds, was in this country a necessary encourage-
‘ ment to trade.

‘ Sir, As the bill appears to me to be attended
‘ with certain advantages to the tobacco-trade, and
‘ as I should be glad to be set right if I am mista-
‘ ken, I beg leave to ask a few questions of those
‘ who are conversant in trade ; whether high duties
‘ on goods imported are not a great weight on eve-
‘ ry branch of trade so loaded ; as it not only obli-
‘ ges the merchant to keep a double stock in ready
‘ money, but of course confines that trade to a very
‘ narrow circle of dealers, and surely it can never be
‘ the interest of a trading nation to encourage mo-
‘ nopolies ? Then I must ask, whether as the law
‘ now stands, the tobacco-trade has not this hardship
‘ attending it ? If it be so, I would ask, whether
‘ this clog is not intirely removed by this scheme ;
‘ no duty being to be paid at importation, nor any
‘ money demanded till the factor has made his bar-
‘ gain with the retailer, who is to pay the whole
‘ duty ?

‘ Is it not, Sir, another allowed maxim in trade,
‘ that one of the greatest temptations to frauds, are
‘ large drawbacks on goods exported, nay the very
‘ parent of frauds in this commodity ? If this be a
‘ fact, is not this motive to frauds intirely removed,
‘ there being, by this scheme, no temptation what-

‘ ever to frauds on this head ? For by this scheme as
‘ now amended, there is no part of the duty to be
‘ paid at importation, there is not a farthing of the
‘ duty ever to be paid for the tobacco which shall
‘ hereafter be re-exported ; so that the honourable
‘ gentleman who spoke first, and who always speaks
‘ so well, and with so much weight in this house,
‘ has in this particular intirely mistaken the scheme
‘ now before us.

‘ Has not, Sir, the method of bonding the du-
‘ ties, till very lately at least, been universally al-
‘ lowed to be often fatal to both the planters and
‘ factors, and as often detrimental to the public ?
‘ Is not this hardship quite obviated by this scheme ?
‘ Is not bonding intirely out of the present que-
‘ stion ?

‘ Were not the charges in the bills of sale from
‘ the factor to his planter a very great hardship on
‘ the latter ? According to all those I have seen,
‘ they never amounted to less than 25 *per cent.* and
‘ oftener to much more, on the whole neat produce
‘ returned to the planter for his tobacco. When I
‘ say this, Sir, I beg I may not be thought to ac-
‘ cuse the factor of taking an extravagant or un-
‘ just gain on this head ; but what I think we are
‘ now contending to remove, is the pretence for, and
‘ the foundation of these Charges, which have been
‘ so greatly detrimental to that trade, and so great a
‘ hardship on your *Virginia* and *Maryland* planters,
‘ who now send you a merchandise that proves to
‘ this nation, by the great quantities re-exported to
‘ foreign markets, a very beneficial branch of your
‘ commerce ; and if something be not now done in
‘ their behalf, I am told from very good hands, we
‘ shall run the risque of losing this staple of tobacco :
‘ Then ’twill be too late to consider what methods
‘ are best for collecting the duties on it ; and there-
‘ fore, Sir, were there no other motive for this bill,

‘ this consideration alone would weigh greatly with
‘ me, to make a trial at least of the method now pro-
‘ posed for giving a relief to so considerable a part
‘ of your *American* colonies.

‘ Now I am up, Sir, give me leave to remind
‘ gentlemen, that, as the law now stands, four pence
‘ three farthings neat money, at least, is paid on each
‘ pound-weight of tobacco immediately on importa-
‘ tion, tho’ the importer takes the advantages of all
‘ the discounts on prompt payment, otherways the
‘ duty comes higher ; but by this scheme the whole
‘ duty will be at the highest but four pence three
‘ fathings *per* pound weight, and will not be de-
‘ manded till the tobacco is taken out of the ware-
‘ house for home-consumption, and therefore may
‘ sometimes not be paid till eighteen months or two
‘ years after the landing of the tobacco : Let there-
‘ fore who will advance the money, this farther cre-
‘ dit given by the publick, for the payment of the
‘ duty, must be a certain benefit to this trade ; and
‘ thus, by postponing the payment of the duties
‘ till so much nearer the time of consumption, the
‘ dealers in tobacco will be enabled and ought to
‘ afford it to the consumer on more reasonable
‘ terms.

‘ If then this scheme be found to be no real detri-
‘ ment to the fair merchant, and a certain benefit to
‘ the planters, I believe in another particular it will
‘ be a demonstrable advantage to the public, I mean
‘ an improvement of the revenue : But what appears
‘ to me pretty extraordinary, is to hear that improve-
‘ ment urged as one of the chief objections against
‘ the whole scheme, because the civil list revenue
‘ will also of course receive some increase. Give me
‘ leave, Sir, to say, that whatever appearance of
‘ weight there might have been in this objection,
‘ before the scheme was known, yet now when it
‘ comes to be considered, that the crown in return
‘ gives up to the public all forfeitures and seizures,
‘ this

‘ this objection can be but of little weight : But surely,
‘ ly, Sir, this could never have been thought a sufficient
‘ objection for the legislature to refuse a remedy against the known
‘ frauds practised in the collection of the public revenue, because it
‘ would have prevented those practised against the crown ;
‘ especially when even this improvement of the King’s income
‘ is no more than what was in effect granted by the Parliament,
‘ when they appropriated the produce of those duties to his Majesty
‘ for life.

‘ But, Sir, since it is said that this alteration in the method
‘ of collecting the duty on tobacco will be such an augmentation
‘ to the revenue, though no new tax be laid on, nor an addition
‘ made to any one now in being, it may be asked, From whence
‘ this augmentation will arise ? To this the bare enumeration
‘ of the several frauds at present practised in the collection of
‘ this duty would be a sufficient answer, especially if we consider
‘ the large sum, which the frauds that have actually been discovered
‘ yearly amount to, and that it cannot be supposed, that one
‘ fifth part of the frauds which have really been committed,
‘ have ever come to the knowledge of the public, or of those
‘ intrusted with the collecting of this duty ; but as the honourable
‘ gentleman, who opened this debate in the committee, has so
‘ fully and so demonstrably shewn the particulars of these
‘ unlawful transactions, and as there are in this house so many
‘ gentlemen thoroughly acquainted with the course of the public
‘ revenues, who can speak more minutely to the nature of these
‘ frauds than I am capable of doing, I shall not enter into a
‘ detail of them, but only take notice, that there have been
‘ some instances where a triple fraud has been committed in the
‘ disposal of the same individual parcel of tobacco ; he indeed
‘ who practises this method must be very

‘ adroit in the business of smuggling, but it is cer-
‘ tain it has been practised ; the unfair trader has
‘ contrived to receive the full duty twice from the
‘ public, without having ever paid it once to the
‘ public : He has received from the government
‘ the draw-backs upon a quantity of tobacco which
‘ he found means to import without paying any du-
‘ ty ; and by again running the same tobacco from
‘ *Holland* in small parcels, he has a second time re-
‘ ceived the draw-backs from the consumers, by sel-
‘ ling it to them as if the duties had been honestly
‘ paid ; and the difficulty to prevent these kind of
‘ frauds, as there is but one check in the customs, is
‘ almost unfurmoutable ; since in some cases the
‘ unfair dealer in tobacco may very well afford to
‘ give such bribes to the custom-house officer, as
‘ will even more than compensate to him the loss of
‘ his place, if he should be discovered.

‘ So that in this light, Sir, the parties in this
‘ contest are the public, the planter, and the fair
‘ trader on one side, and the unfair dealer only on
‘ on the other. It is a duty the nation pays ; the plan-
‘ ter and the fair trader feel the inconvenience of it,
‘ but the benefit is intercepted by the fraudulent
‘ dealer ; and in this view your landed consumers
‘ of tobacco have doubly paid the duty ; they have
‘ paid it once by buying the tobacco at an advanced
‘ price, as if the duty had been paid by the seller,
‘ and again by a future call upon them by the le-
‘ gislature, to make good the deficiency occasioned
‘ by the frauds of the sellers ; so that by this me-
‘ thod of taxation a duty has been laid on one sub-
‘ ject, which another has by artifice not only pre-
‘ vented coming into the public purse, but has con-
‘ verted towards the supporting or enriching of him-
‘ self.

‘ But, Sir, there is another reason, which will
‘ have the greatest weight with me for coming into
‘ this proposition, and that is, because I think that
‘ in

‘ in its consequences the land-holders of *Great-Bri-*
‘ *tain* will find a considerable relief. As long as I
‘ can remember I have always heard the land-tax
‘ complained of as one of the most unequal and most
‘ grievous of our taxes ; unequal, as it is only paid
‘ by a part of those who possess property in *Great*
‘ *Britain*, and so great a disproportion is there in
‘ this particular, that as our property is now divided,
‘ I believe one may say, the money arising by this
‘ tax is paid only by five out of six of those who
‘ possess the riches of this nation ; and it has hither-
‘ to been the more grievous, as there was no pro-
‘ spect that any one of this generation would have
‘ been relieved from the burden of it. From land
‘ alone, 64 millions and a half have been raised since
‘ the revolution, and an estate of 1000 *l.* a year ful-
‘ ly taxed since that time has paid 6450 *l.* which
‘ sum amounts to near one sixth part of the whole
‘ produce of such an estate in that time ; so that by
‘ taking it at an average, the land-holders of these
‘ estates thus taxed have paid very near a sixth part
‘ of the gross produce of their estates for 44 years
‘ successively, which bears no manner of proportion
‘ to what has been paid by any other set of men, to-
‘ wards defraying the charges of the government
‘ since that time. This has always been most justly
‘ reputed a grievance upon the land-holders ; yet
‘ now when a scheme is offered, which, as it appears
‘ to me, would be a certain relief to the landed in-
‘ terest, a new language, a new opinion has start-
‘ ed up, and prevails at least without doors, that
‘ the lands of *Great Britain* should still continue
‘ to carry that burden, which till very lately all
‘ mankind were unanimous they ought to be relieved
‘ from.

‘ If some gentlemen, Sir, may think there can be
‘ any material weight thrown into the scale of the
‘ crown, by the addition of a few excise-officers, let

‘ them on the other side reflect on the relief gi-
‘ ven by this scheme to the land-holders of *Great*
‘ *Britain*, who always have been, and ever must be
‘ in time of trial and necessity, the real and solid
‘ support of the liberties of the nation.

‘ And as the landed interest must be allowed to
‘ be our principal strength, all attempts to invade
‘ our liberties must prove unsuccessful, while the
‘ gentlemen of landed estates shall continue reso-
‘ lute, and retain sufficient force to oppose any ar-
‘ bitrary designs : Any thing therefore that tends to
‘ put them upon a better footing, and to increase
‘ their substance, strengthens our constitution in the
‘ most essential part ; for this reason, Sir, when
‘ the ease that will be given to the land-holders is in
‘ this view impartially considered, the addition of
‘ a few excise-men, with salaries of 40 or 50 *l.* a
‘ year each, will not have that weight in this day’s
‘ debate, which at first sight it might seem to carry
‘ with it.

‘ Sir, I have mentioned the advantages which ap-
‘ pear to me will naturally arise to the public revenue,
‘ to the fair trader, to the industrious planter, and
‘ to the land-holder by this scheme ; and I think there
‘ is another benefit attending it, which gentlemen do
‘ not seem to give sufficient attention to, I mean the
‘ reformation that will be made on this occasion in
‘ the laws of excise ; for though the extension of
‘ them, as they now stand, might have been thought
‘ by some a strong objection to this scheme, how-
‘ ever beneficial in other respects it might prove to
‘ the public, yet I think the weight of this objection
‘ is greatly removed, when we consider, that the al-
‘ teration now proposed will take away many of those
‘ powers, which might in time to come have been
‘ abused to the oppression of the subject. One of
‘ the most material objections I ever heard started
‘ was, the want of a proper appeal from the deter-
‘ mination of the commissioners of excise, but this I
‘ think

think is intirely obviated, by the allowing of an appeal from those gentlemen to three judges chosen from the different courts in *Westminster-hall*, or from the justices of peace to the judges of assize in their respective circuits, who are to determine in a summary way, without either delay or any considerable expence to the parties concerned; for whatever influence the nomination of these officers by the crown might have on their actions, or however regardless, their power, being controulable, might make them in their determinations, this check must prevent the execution of their intentions, were they inclined to abuse their power in favour of the crown; it would certainly make them more deliberate in giving judgment, when they shall know, when they shall reflect, that their judgments are liable to be canvassed in a superior court, where no favour, where no interest can screen an ill action; the judges to whom the appeal must be made have their offices for life, and therefore cannot reasonably be supposed to be byassed so as to countenance any unlawful steps of the commissioners, let them be the favourites of any minister whatever, or let the party oppressed, let the party complainant be never so obnoxious to an administration.

There is also, Sir, another benefit that will attend the success of this scheme, which is the repeal of an act made the 11th year of the late King, which obliges people to accuse themselves: As this is certainly a very great grievance, the repeal must be a very agreeable relief to those who are subject to it. I hope therefore if this question passes, when the blanks in the bill come to be filled up in the committee, those gentlemen, who may think that there are any unnecessary clauses in the laws of excise, will take this favourable opportunity to have those laws reviewed, and by the addition of proper clauses to the bill now to be brought in, to ex-

‘ tend the regulations of them in behalf of the sub-
‘ ject, as far as may not leave the duties under the
‘ management of the commissioners open to gross
‘ frauds.

‘ Upon the whole, Sir, I believe the benefits pro-
‘ posed by this scheme, by an improvement of the
‘ public revenue in preventing frauds, will be a cer-
‘ tain relief to the landed interest, and the only real
‘ objection that ever could be to such a design, was
‘ the method by which it was to be effected ; but
‘ that I think, as I said before, is in a great mea-
‘ sure removed, by the mitigation of those methods
‘ of proceeding in excise laws, which seemed most to
‘ infringe the liberties of the subject, and which alte-
‘ ration may, nay, is designed to be extended to the
‘ other branches of the revenue subject to the same
‘ laws.

‘ This scheme therefore, as it is intended to be a
‘ review of the excise laws, and an amendment of the
‘ rigour of those parts of them, where less severi-
‘ ty would secure the duty to the public, appears in
‘ this light as much in favour of the subject, as of
‘ the revenue ; and as such when it comes to be
‘ rightly apprehended, and the benefits attending it
‘ are felt and diffused through the whole nation,
‘ I believe it will soon take a more favourable
‘ turn among the people ; the ill impressions of
‘ it that may now be industriously spread abroad,
‘ I should think would soon subside and be forgot.

‘ I beg pardon, Sir, for taking up so much more
‘ of your time than I at first intended. I shall now
‘ only add that since upon the examination of the
‘ particular merits of this scheme, the advantages
‘ proposed by it, appear to me to be certain, and of
‘ such a nature, as not only to increase the public
‘ revenue, without any new tax on the subject, or
‘ an addition to any one now in being, and advance
‘ the interest of our trade and plantations, but also

‘ at the same time to raise the value of the lands of
 ‘ *Great Britain*, I shall therefore readily give my as-
 ‘ sent to it.’

Sir *Thomas Aston* spoke next against it, and among other things took notice, that it was his misfortune to know too much of the influence that the officers of the customs and excise had at elections, for at his own election, there were many of the voters were so free and open, as to come to him and tell him, that they would vote for him rather than any other, but that those officers had threatened to ruin them if they did ; and others told him, that they had promises either for themselves or for their sons to be made officers in the customs or excise, by his antagonist, and as their bread depended upon getting those promises fulfilled, which they could not expect if they did not vote against him, therefore they hoped he would excuse them. ‘ Thus, Sirs, says he, I know
 ‘ the evil of this illegal influence by experience, and
 ‘ therefore I shall always be against any measure that
 ‘ may tend to increase it, as this scheme most evi-
 ‘ dently will ; for I hope I shall always disdain to
 ‘ owe the honour of representing my country in Par-
 ‘ liament, to any administration whatever ; I hope I
 ‘ shall always depend upon the free votes of my fel-
 ‘ low subjects, and for that reason I must be a-
 ‘ gainst what I think will destroy that freedom, up-
 ‘ on which only I am resolved always to depend.’

Sir *Thomas
 Aston's
 speech.*

After him Lord *Glenorchy* spoke for agreeing, Lord *Morpeth* against it, *William Clayton*, Esq; for it. And then,

William Pulteney, Esq; spoke in substance as fol- lows. ‘ Sir, I must say, that the recommending the
 ‘ care of the public revenue to this house, the re-
 ‘ commending to us a scheme which he thinks may
 ‘ tend to the increasing of it, are doctrines which
 ‘ come

Mr. *Pulte-
 ney's speech.*

‘ come very properly from the honourable gentle-
‘ man that spoke last, who for several years has had
‘ the fingering of the public money, as he himself
‘ was pleased to express it : But I hope those gentle-
‘ men will consider that they and their posterity are
‘ not all to enjoy the same posts they enjoy at pre-
‘ sent ; they may perhaps expect that they them-
‘ selves are all in for life, but they cannot imagine
‘ that those posts are to go by way of inheritance
‘ to their heirs ; and therefore I hope, that for the
‘ sake at least of their posterity, they will consider
‘ a little the power and influence that this scheme
‘ will give to the crown, and such a consideration
‘ must certainly be of some weight in the present
‘ debate, even with those gentlemen.

‘ It is certain that the liberties of this country de-
‘ pend upon the freedom of our elections for mem-
‘ bers of Parliament ; our Parliaments, especially the
‘ representatives of the people in Parliament assem-
‘ bled, are designed for, and generally have been a
‘ check upon those who are employed in the execu-
‘ tive part of our government ; but if it shall ever
‘ come to be in the power of the crown, that is to
‘ say, of those employed in the executive part of our
‘ government, to have such an influence over most
‘ of the elections in the kingdom, as to get any
‘ person chosen they please to recommend, they
‘ will then always have a majority of their own crea-
‘ tures in every house of Commons, and from such
‘ representatives what can the people expect ? Can
‘ it be expected, that such a house of Commons
‘ will ever be any check upon those in power, or
‘ that they will find fault with the conduct of
‘ the most rapacious, the most tyrannical mini-
‘ sters, that may hereafter be employed by the
‘ crown.

‘ It is well known, Sir, that every one of the
‘ public officers have already so many boroughs or
‘ corporations which they look on as their pro-
‘ perties ;

“ perties ; there are some boroughs which may be
“ called treasury boroughs ; there are others which
“ may be called admiralty boroughs ; in short, Sir,
“ it may be said, that almost the whole towns upon
“ the sea coast are already seized on, and in a man-
“ ner taken prisoners by the officers of the crown :
“ In most of them they have so great an influence,
“ that none can be chosen members of Parliament,
“ but such as they are pleased to recommend. But
“ as the customs are confined to our sea-ports, as
“ they cannot travel far from the coast, therefore this
“ scheme seems to be contrived in order to extend
“ the laws of excise, and thereby to extend the in-
“ fluence of the crown over all the inland towns and
“ corporations in *England*.

“ This, Sir, seems plainly to me to be the chief
“ design of the scheme now under our consideration ;
“ and if it succeeds (which God forbid it should) our
“ future ministers of state will be very much obliged
“ to the gentleman who projected it ; the election of
“ a house of Commons will, in all time coming, be
“ an easy task for whoever shall be prime minister
“ under any of our future Kings ; he may sit at home
“ in his great chair, and issue forth his orders to
“ most of the counties and boroughs of *Great Britain*,
“ to chuse such persons for their representatives in
“ Parliament, as he shall please to think most proper
“ for his purpose : Most of the chief clerks of the
“ treasury, and other great offices, are already mem-
“ bers of this house ; they, Sir, deserve it, they are
“ gentlemen, and men of figure and fortune in their
“ country ; but if this scheme takes place, we may
“ in a little time see all the little under clerks of the
“ treasury, and other offices, members of this house ;
“ we may see them trudging down to this house in
“ the morning, in order to give their votes for im-
“ posing taxes upon their fellow subjects, and in the
“ afternoon attending behind the chair of a chancel-
“ lor of the *Exchequer*, a Secretary of state, or other
“ chief

‘ chief minister. Nay, Sir, I do not know but
‘ some of us may live to see some vain over-grown
‘ minister of state, driving along the streets with
‘ six members of Parliament behind his coach.

‘ These, Sir, must be the fatal consequences of
‘ the scheme now under our consideration ; and
‘ therefore I must think that every man who has a
‘ regard to the constitution of his country, or to the
‘ liberties and properties of those that have put their
‘ trust in him, is in duty bound to give his negative
‘ to the present question.

‘ Gentlemen may indulge themselves in the vain
‘ conceit, that by this scheme, all manner of frauds
‘ in the tobacco trade will be prevented for the fu-
‘ ture, but the thing is in its own nature impossible ;
‘ when the duties are so high, where they amount
‘ to five or six times the prime cost of the commo-
‘ dity on which they are laid, it will be impossible
‘ to prevent all manner of frauds, and therefore the
‘ increase of the public revenue by this scheme is so
‘ far from being certain, that it is altogether pre-
‘ carious ; and unless the public revenue be thereby
‘ greatly increased, the land-holders can expect no
‘ relief : But granting, Sir, that the benefits expect-
‘ ed by this scheme were certain, it is as certain, it
‘ is demonstrable, that our constitution will be there-
‘ by destroyed ; and are we, Sir, to make a sacrifice
‘ of our constitution, for the poor consideration of
‘ adding four or five hundred thousand pounds a
‘ year to the public revenue ? That increase, Sir,
‘ may soon be dissipated by an administration, under
‘ no fears of being called to an account by Parlia-
‘ ment, and then they will be obliged to come upon
‘ the land-holders, for money to answer the necessary
‘ services of the public. There never was in any
‘ country a scheme set up for introducing arbitrary
‘ power, but what was supported by some specious
‘ pretences : The preventing of mobs, insurrections,
‘ invasions, frauds, or the like, have in all countries
‘ been

‘ been made the pretences for introducing arbitrary
 ‘ power ; but in such an assembly as this, where the
 ‘ principles of liberty so much prevail, where there
 ‘ are so many gentlemen of good sense and penetra-
 ‘ tion, I hope no such pretence will ever be of any
 ‘ weight. To me it appears indisputable, that this
 ‘ scheme is absolutely inconsistent with a free election
 ‘ of members of Parliament, and of consequence it
 ‘ must be inconsistent with our constitution ; there-
 ‘ fore, tho’ the advantages to be reaped therefrom
 ‘ were much greater, and much more certain than
 ‘ they are, I should be most heartily against it, and
 ‘ for that reason I must give my negative to the
 ‘ present question,’

Mr. Chancellor of the *Exchequer* spoke next.
 Then *William Pulteney*, Esq; spoke again. And
 after him

Walter Plummer, Esq; stood up, and among other Mr. Plum-
mer's speech.
 things took notice of some gentleman's having said,
 that no body had opposed the subjecting of coffee,
 tea, and chocolate to the laws of excise, but the ho-
 nourable gentleman under the gallery (meaning Sir
John Barnard) : ‘ But, says he, I must put those gen-
 ‘ tlemen in mind, that I had then the honour to
 ‘ be a member of this house, and I thank God, Sir,
 ‘ I did oppose that excise scheme as well as I shall
 ‘ do this, and every such scheme that shall ever be
 ‘ offered to this house, while I have the honour of
 ‘ sitting in it. I know, Sir, how grievous and op-
 ‘ pressive the laws of excise are to my fellow sub-
 ‘ ject, and therefore I think I cannot answer to my
 ‘ country, if I do not, to the utmost of my power,
 ‘ oppose every scheme that shall be offered for the
 ‘ extension of those vexatious and arbitrary laws.’

Humphry Parsons, Esq; spoke next against agree- Other spea-
kers.
 ing to the resolution. *Martin Bladen*, Esq; spoke
 for it. *Sir John Hynd Cotton* against it. *Sir William*
Yonge

Yonge for it. *Sir William Courteney*, and *George Bowes*, Esq; against it, *John Neale*, Esq; and *Sir William Lowther* for it. And *Gilfrid Lawson*, Esq; *Sir George Caswall*, and *Harry Waller*, Esq; against it.

Resolutions
agreed to.

At last the question was put upon the first resolution, upon which the house came to a division, and thereby the question was carried in the affirmative 249 against 189.

After this the question was severally put upon the two next resolutions, which were agreed to without any division; and the last resolution being read a second time, Mr. Chancellor of the *Exchequer* acquainted the house, ‘ That his Majesty had commanded
‘ him to acquaint that house, that his Majesty gave
‘ his consent, that the house might do as they should
‘ think fit, in relation to the said fines, penalties, for-
‘ feitures and seizures ? ’ Whereupon the question was put, and likewise was agreed to without any division.

Bill ordered.

Then it was ordered, that a bill should be brought in pursuant to the said resolutions, and that *Sir Charles Turner*, Mr. Chancellor of the *Exchequer*, Mr. Attorney General, Mr. Solicitor General, Mr. *Doddington*, Mr. *Clayton*, *Sir William Yonge*, *Sir George Oxenden*, Mr. *Scrope*, and Mr. *Edward Walpole*, should prepare and bring in the same.

Bill brought
in.

This famous bill was accordingly brought in the 4th day of *April*, and was read a first time; after which Mr. Chancellor of the *Exchequer* by his Majesty’s command acquainted the house, that his Majesty consented to their making such alterations, as they should think fit for the public service, in relation to the subsidy on tobacco then payable on account of his Majesty’s civil list. It was next objected, that some parts of the said bill were not within the resolutions of the house, pursuant to which the

said bill had been ordered to be brought in ; and therefore moved that the bill should be withdrawn, which passed in the negative, 232 against 176 : Then a motion was made for adjourning, which likewise passed in the negative ; at last it was resolved, that the bill should be read a second time, and ordered, that it should be read a second time on that day sevensnight, 236 against 200. Next day after the bringing in of this bill, a motion was made for the printing such a number of copies as should be sufficient for the use of the members of the house ; but upon the question's being put, it was carried in the negative, 128 against 112.

As this bill very much concerned the trade and commerce of this nation, the Lord Mayor of the city of *London* procured a copy of it soon after it was brought into the house of Commons, and having laid it before the common council, it was there resolved to petition the house against it, and a petition being then immediately drawn up and agreed to, the same was presented to the house of Commons on the 10th day of *April*. *London petition against it.*

The presenting of this petition brought the excise scheme again upon the carpet in that honourable house. The city of *London* has always enjoyed this privilege, that any petition from them is presented to the house by their sheriffs, and is brought up by the clerk of the house, and read at the table, without asking the leave of the house for that purpose ; whereas all other petitions must be presented by a member of the house, and cannot be by him brought up, or read at the table by the clerk, till leave be first asked of and granted by the house. *Debate thereon.* Accordingly this petition was brought up and read at the table, and as soon as it was read, Sir *John Barnard* got up, and shewed how much the city and citizens of *London*, as well as all the other trading part of the nation, were to be affected by the bill for altering the

the method of raising the duties payable upon tobacco, and how just reasons they had to insist upon being heard by their counsel against it, and concluded with a motion for granting them leave to be heard by their counsel if they thought fit.

In opposition to this motion, it was insisted on, that it had always been the practice of that house, never to receive any petitions, and much less to admit counsel to be heard against any bill for imposing of taxes upon the subject; for if any such thing were to be admitted of, it would be impossible ever to pass any such bill, because that there would be so many different petitions presented against it by those who were to be subject thereto, that it would be impossible to hear counsel separately upon every such petition within the usual time of the continuance of one session of Parliament: And that in refusing to admit counsel to be heard, there could be no inconvenience, because every man, and every body of men had their representatives in that house, who certainly would represent their case to the house, if any particular hardship was to be put upon them by any bill then before the house.

To this it was replied, that the house had never pretended to any general custom of refusing petitions, except against those bills which were called money-bills, that was to say, such bills as were brought in for raising money for the current service of the year; and that even as to them, there were many precedents where the house had admitted the Parties, whom they thought to have a real interest therein, to be heard by their counsel against the passing of such bills: That the admitting of counsel even in such cases could never prevent the passing of such bills, because the house could always order all parties petitioning to be heard at one time, and could give such directions, that it would never take up many days to hear every thing that could be objected

jected by every one of the parties petitioning : That tho' every part of the nation had their representatives in that house, yet it was well known, that speaking in public was a talent that every man was not endowed with, from whence it might happen, that the particular persons, or part of the nation, which was then to be aggrieved by what was passing in the house, might not have any such members as were proper to lay their case fully and clearly before the house ; and that therefore, even as to money bills, it was proper to admit parties to be heard against them, when it appeared that they were very particularly interested therein.

But as to the case then before them, there was not the least pretence for refusing the desire of the petition, because the bill against which it was presented, was no money bill ; it was granted by the advocates for the bill ; it was even insisted on as the greatest argument for it, that there was no new duties to be imposed ; it was a bill only for altering the method of collecting the taxes already imposed, and therefore it could never be pretended, that there was any practice or custom of the house for refusing to admit parties interested to be heard against such a bill : That if there had been such a custom introduced, it ought not to be observed, especially when such a considerable body as the Lord Mayor, aldermen and common council of the city of *London*, come with an humble petition to be heard against a bill, which they thought would not only be highly injurious to them in particular, but destructive of the trade and commerce of the whole nation.

In this debate there were any precedents brought by Mr. *Sandys*, Mr. *Gibbon*, and Mr. *Bootle*, where the house had received petitions, and admitted counsel to be heard against money bills ; and there were likewise precedents brought by Sir *William Yonge* and Mr. *Wollaston*, where the same had been refused,

the reading of which took up a great part of the day.

The principal speakers for granting the desire of the petition were,

Sir John Barnard,
Samuel Sandys, Esq;
Philip Gybbon, Esq;
Thomas Bootle, Esq;
William Pulteney, Esq;

Sir William Wyndham,
Walter Plummer, Esq;
George Heathcoate, Esq;
Thomas Wyndham, Esq;

And the principal speakers against granting the desire thereof were,

Mr. Chancellor of the *Ex-*
chequer,
Horatio Walpole, Esq;
Thomas Winnington, Esq;

Mr. Solicitor General,
Mr. Attorney General,
Sir William Yonge,
Hon. Henry Pelham.

Upon the question's being put, for allowing the petitioners to be heard by their counsel against the bill, there was a division, and the question was carried in the negative, 214 against 197.

After which it was ordered that the said petition should lie upon the table, until the said bill should be read a second time.

Other petitions against the bill.

Next day, *viz.* on *Wednesday* the 11th day of *April*, a petition of the Mayor, Aldermen and Common Council, of the town and county of the town of *Nottingham*, (in council assembled) in behalf of themselves, and the rest of the merchants and tradesmen dealing in tobacco in the said town, was presented to the house, and read; alledging, that the bill depending in the house for repealing several subsidies, and an impost then payable on tobacco, &c. would be highly prejudicial to them, and incroach on their liberties and properties, and expressing their apprehension that the said bill, if passed into a law, would subject them to great oppressions and inconveniences,

niences, by the officers frequently entering their houses, and taking account of their stocks, which such officers might discover to any others ; by being obliged to seek for, and send permits with their goods, and the hardships thereof with respect to time ; by not being allowed the valuable liberty of redressing their grievances by a jury ; and by the great trouble, charge, and loss of time, in weighing their tobacco at any time required by the officer, and the prejudice to their goods, in uncasking and breaking them ; and therefore beseeching the house to consider and favour their petition, and prevent the passing a law, which would be any ways destructive of the trade, or dangerous to the liberties of the petitioners ; which petition was ordered to lie upon the table.

Immediately after which, a petition of the principal inhabitants and traders, of the ancient and loyal city of *Coventry*, in behalf of themselves and the rest of their fellow citizens, was presented to the house, and read ; expressing the apprehension of the petitioners, that the bill depending in that house, for repealing several subsidies, and an impost then payable on tobacco, &c. would be prejudicial to the trade of the nation in general, and of the said city in particular, and also injurious to the liberties of their fellow subjects ; and therefore praying the house to take the premisses into consideration, and give the petitioners such relief therein, as to the house should seem meet. Which petition was likewise ordered to lie upon the table.

The order of the day being then read, for the se- Bill dropt.
cond reading of the said bill, the serjeant at arms attending the house, was of course ordered to go with the mace into *Westminster-hall* and the courts there, and into the court of Requests and the places adjacent, and summon the members there to attend the service of the house ; and he being returned, instead of reading the bill a second time, a motion was

made by Mr. Chancellor of the *Exchequer*, that the bill should be read a second time, upon the 12th day of *June* then next. Though by this motion it evidently appeared, that the bill was to be dropt, yet some of the gentlemen who had from the beginning appeared strenuously against the whole scheme, were not satisfied with letting it drop in so easy a manner, and therefore they were for having it rejected, but this proposition did not come the length of a motion, or a question, so that the first motion was agreed to without opposition; and upon the *Friday* after, which was the day appointed for the house to resolve itself into a committee of the whole house, to consider farther of the most proper methods for the better security and improvement of the duties and revenues then charged upon, and made payable from tobacco and wines, it was resolved, that the house would upon the 14th day of *June* then next resolve itself into the said committee, 118 against 76: So that that part of the scheme relating to the duties on wine, was never laid before the house.

Resolutions
and orders
against tu-
mults.

There having been great crowds of people about the house on the 11th of *April*, and some of them having behaved in a tumultuous manner, the next day, *viz.* the 12th of *April*, complaint was made to the house by several members, who had voted in favour of the scheme, that a tumultuous crowd of people had been assembled together the night before, and several days during the session, in the court of Requests, and other avenues to that house; and that they themselves, and several other members of the house, had been last night, in their return from the house, menaced, insulted and assaulted, by a tumultuous crowd of people in the passages to the house; whereupon it was resolved and declared, *nemine contradicente*, 1st, That the assaulting, insulting, or menacing any member of that house, in his coming to or going from the house, or upon the account of his behaviour in Parliament, was an high infringement of

of the privilege of that house, a most outrageous and dangerous violation of the rights of Parliament, and an high crime and misdemeanor. 2d, That the assembling and coming of any number of persons in a riotous, tumultuous, and disorderly manner to that house, in order either to hinder or promote the passing of any bill, or other matter depending before the house, was as high infringement of the privilege of that house, destructive of the freedom and constitution of Parliament, and an high crime and misdemeanor. 3d, That the inciting and encouraging any number of persons to come in a riotous, tumultuous and disorderly manner to that house, in order either to hinder or promote the passing of any bill, or other matter depending before the house, was an high infringement of the privilege of that house, destructive of the freedom and constitution of Parliament, and an high crime and misdemeanor.

Then it was ordered, 1st, That the members of that house, who served for the city of *London*, should signify the said resolutions and declarations to the Lord Mayor of *London*. 2d, That the members of that house, who served for the county of *Middlesex*, should signify the said resolutions and declarations to the Sheriff of *Middlesex*. 3d, That the members of that house, who served for the city of *Westminster*, should signify the said resolutions and declarations to the High Bailiff of *Westminster*. Which orders were accordingly signified by their respective members, who next day reported their having done so to the house.

On *Wednesday* the 21st of *March*, his Majesty came to the house of Peers, and the Commons being sent for, his Majesty gave the royal assent to several public and private bills.

On *Monday* the 2d day of *April*, the order of the day for the house to resolve itself into a committee of the whole house, to consider farther of the bill for

Motion for
appointing
receiver

granting an aid to his Majesty, by a land-tax to be raised in *Great Britain*, for the service of the year 1733, being read, a motion was made, that it should be an instruction to the said committee, that they should be impowered to receive a clause, to enable and direct the several commissioners to be appointed in the said bill, for putting the same in execution, to nominate and appoint a receiver or receivers general for each county, riding, city, borough, cinque-port, town or place respectively, within *England, Wales,* and *Berwick*, for which they were appointed commissioners, and to make the said respective counties, ridings, cities, boroughs, cinque-ports, towns or places, for which they were appointed commissioners, answerable for any deficiency that might happen by such receiver or receivers.

In favour of this motion it was urged, that the commissioners in each county, &c. were much better judges of the persons proper to be appointed receivers in the several counties, &c. than the gentlemen employed in the administration; that they were also better judges of the persons offered as sureties for such receivers; and that it would be a great advantage to the public, which had often suffered by the insolvency of such receivers, and the insufficiency of the security that had been given for them: However some gentlemen in the house thought proper to oppose this motion, and therefore upon putting the question it passed in the negative.

Qualifica-
tion bill
dropt.

Next day an ingrossed bill, to render more effectual an act made in the ninth year of the reign of her late Majesty Queen *Anne*, intituled *An act for securing the freedom of Parliaments, by the farther qualifying the members to sit in the house of Commons*, was read the third time; which bill was much the same with what had passed several times through that house in the preceding sessions; but upon the question's being put, the bill had the same fate as in the former sessions, the question passed in the negative.

On

On *Monday* the 9th day of *April*, Sir *Nathaniel Ecclesiasti-
Curzon* presented to the house (according to order) a cal court
bill for the better regulating the proceedings of eccle- bill pre-
siastical courts, within that part of *Great Britain* called sented.
England, dominion of *Wales*, and town of *Ber-
wick upon Tweed*, which was received and read the
first time, and ordered to be read a second time. As
this affair is of great consequence, and because the
bill did not pass into a law, we shall insert a copy
of it, as it stood when first brought into the house,
viz.

*A BILL for the better regulating the proceedings of
ecclesiastical courts within that part of Great Britain
called England, dominion of Wales, and town of
Berwick upon Tweed.*

‘ **F**OR the better regulating the proceedings of
‘ ecclesiastical courts, within that part of *Great*
‘ *Britain* called *England*, dominion of *Wales*, and
‘ town of *Berwick upon Tweed*, *Be it enacted*,

‘ *By the KING's most excellent MAJESTY,*

‘ by and with the advice and consent of the Lords
‘ spiritual and temporal, and Commons in this pre-
‘ sent Parliament assembled, and by the authority of
‘ the same, That from and after the
‘ day of no suits or prosecu-
‘ tions, stiled *pro salute animæ*, or *pro reformatione*
‘ *morum*, or for any criminal matter, shall be com-
‘ menced in any ecclesiastical court, either by inqui-
‘ sition or denunciation, against any person whatso-
‘ ever, but by accusation only, at or upon the infor-
‘ mation or promotion of some person, who shall,
‘ at the time of exhibiting such information, enter
‘ into bond to the register of the court, in which
‘ such information shall be exhibited, in the sum of
‘ with

‘ or more surety or sureties, in the sum of
 ‘ who shall severally
 ‘ justify themselves by oath, in open court (which
 ‘ oath the said courts are hereby impowered to ad-
 ‘ minister *gratis*) to be respectively worth the said
 ‘ sums in the said bonds mentioned, over and above
 ‘ their just debts ; which bonds shall be conditioned
 ‘ to prosecute such suit or information with effect,
 ‘ and to pay costs to the
 ‘ defendant or party accused, in case such defendant
 ‘ shall not be found guilty, or if the suit or prose-
 ‘ cution be abated or discontinued, for the space of
 ‘ And the said register is
 ‘ hereby required, immediately on the acquittal of
 ‘ the defendant in the said ecclesiastical court, or
 ‘ such discontinuance or abatement of such suit or
 ‘ prosecution, to assign the said bond to the said de-
 ‘ fendant, by indorsing the same, and attesting it
 ‘ under his hand and seal, in the presence of
 ‘ or more credible witnesses, in the same manner as
 ‘ bail-bonds, or other securities given to sheriffs, in
 ‘ suits in the temporal courts, are now by law assign-
 ‘ able ; upon which bond the said defendant may
 ‘ bring an action or suit, in his or her own name, in
 ‘ any of his Majesty’s courts of record at *Westminster*
 ‘ (in which suit the said assignment shall be full evi-
 ‘ dence of his or her acquittal, or discontinuance of
 ‘ the suit) and shall recover thereon, against the said
 ‘ informer and sureties, costs of suit in the
 ‘ said ecclesiastical court.

‘ *And it is hereby farther enacted,* That no cita-
 ‘ tion, summons, or other process, shall issue, to
 ‘ cite any person to appear to any articles, informa-
 ‘ tion, libel, or accusation, for any criminal cause,
 ‘ till the informer or promoter shall have given such
 ‘ security as aforesaid : And the person making out
 ‘ any citation, summons, or other process, shall, at
 ‘ the time of making it out, indorse it with the name

‘ and place of abode of the informer and sureties :
‘ And any officer of any ecclesiastical court, making
‘ out or issuing, or causing to be made out or issued,
‘ any citation, summons, or other process, against
‘ any person, before such surety given, or neglecting
‘ to indorse the name and place of abode of such in-
‘ former and surety as aforesaid, shall

‘ And every person
‘ serving any citation, summons, or other process,
‘ in any criminal cause, not indorsed as aforesaid,
‘ shall

‘ And all proceedings in any criminal cause, without
‘ such security taken as aforesaid, are hereby decla-
‘ red to be

‘ And every
‘ proctor, apparitor, or other ecclesiastical officer,
‘ being informer or promoter, or exhibiting any ar-
‘ ticles, information or libel in his own name, or at
‘ his own promotion, in any criminal cause, in any
‘ ecclesiastical court, shall be deemed a
‘ and shall,

‘ *And be it farther enacted*, by the authority afore-
‘ said, That in all suits and prosecutions, stiled *pro*
‘ *salute animæ*, or *pro reformatione morum*, or for any
‘ other criminal cause, if the party accused shall at
‘ any time before judgment suggest, (without oath)
‘ that he or she is not guilty of the crime laid to his
‘ or her charge, it shall and may be lawful to and
‘ for any of his Majesty’s courts of record, (who now
‘ have power to grant prohibitions) to grant a pro-
‘ hibition to any ecclesiastical court where such suit
‘ or prosecution is depending; the judge or judges
‘ whereof, immediately upon receipt of such writ of
‘ prohibition, are hereby required to certify, under
‘ the seal of the court, the original libel, articles, or
‘ information against such person, and return the
‘ same, together with the bond entered into by the
‘ informer and his surety as aforesaid, into the court
‘ from

‘ from which the prohibition issued, who are hereby
 ‘ empowered on the defendant's pleading not guilty
 ‘ to the said libel, articles, or information, to try
 ‘ the same by a jury of twelve men of the county,
 ‘ where the offence is laid to be committed, in like
 ‘ manner as indictments removed by *certiorari* from
 ‘ inferior courts are tried : And if the person accused
 ‘ on such trial, shall be convicted of the crime or
 ‘ crimes laid to his or her charge, the said court, out
 ‘ of which the prohibition issued, is hereby directed
 ‘ to grant a writ of consultation, and send back the
 ‘ said original libel to the ecclesiastical court, out of
 ‘ which the cause was removed, that the said eccle-
 ‘ siastical court may proceed to inflict such ecclesia-
 ‘ stical censures, as they may do by law : But if the
 ‘ person accused shall be acquitted on such trial, then
 ‘ it shall be lawful for such court, granting the pro-
 ‘ hibition as aforesaid, to allow the defendant

‘ costs in both courts, and to enforce the
 ‘ payment of the said costs, by attachment against
 ‘ the informer and sureties, as in cases of costs in o-
 ‘ ther actions ; and all proceedings in such criminal
 ‘ causes, contrary to such writ of prohibition sued
 ‘ forth and delivered to the judge of any ecclesi-
 ‘ astical court, shall be

‘ *And be it farther enacted*, by the authority afore-
 ‘ said, That upon proof by _____ that a
 ‘ citation, or other process to appear in the said ec-
 ‘ clestical courts, hath been personally served on
 ‘ the defendant in such suit, or left with the wife or
 ‘ servant of such defendant, at his or her dwelling-
 ‘ house, or usual place of abode, if the defendant so
 ‘ served shall not appear, by him or herself, or by
 ‘ his or her proctor or attorney, at the time and
 ‘ place appointed by that citation or process, a se-
 ‘ cond citation or process, indorsed as aforesaid, shall
 ‘ issue, which being proved on oath to be served in
 ‘ like

like manner, and the defendant neglecting to appear
 by him or herself, or by his or her proctor or at-
 torney, at the time and place appointed by such
 second citation or process, the judge of the ecclesi-
 astical court, out of which such citation or process
 shall have issued, shall certify the same under his
 hand and seal; upon which certificate it shall be
 lawful for the high court of *Chancery* to issue a writ
 of contumacy, in the form, or to the effect here-
 after prescribed, to compel the defendant or de-
 fendants to appear at the return of the writ in the
 said ecclesiastical courts, either personally, or by
 his or her proctor or attorney, which if the defen-
 dant shall refuse or neglect to do, a second writ of
 contumacy shall issue, and so from time to time,
 until the defendant or defendants shall personally
 or by his, her, or their proctor or attorney, ap-
 pear in the said ecclesiastical court; upon which
 writ of contumacy the sheriffs shall return issues,
 and proceed in every respect in the same manner,
 as they now do on process of distress issuing out of
 any of the courts at *Westminster* against privileged
 persons or corporations; which said writ of contu-
 macy shall be in the form and to the effect follow-
 ing, *videlicet*.

GEORGE the Second, by the grace
 of God, of *Great Britain, France*
 and *Ireland* King, defender of the
 faith, &c. To the sheriff of
 Greeting:

WHEREAS it hath been certified to us, under
 the hand and seal of E. F. that C. D. of
 hath
 been twice duly cited to appear before him the said E.
 F. in court, to answer to
 notwithstanding which ci-
 tations

' tations, the said C. D. hath hitherto contumaciously
 ' refused or neglected to appear, either by himself, or
 ' his proctor or attorney, in the said court: We do
 ' therefore (according to the statute in that case lately
 ' made and provided) hereby command you to distrain
 ' the said C. D. by all his goods and chattels in your
 ' bailiwick, so that neither he, nor any one for him, do
 ' intermeddle therewith, until you shall have other com-
 ' mand in that behalf from us, and that you answer us
 ' for the issues of the same, so that you thereby compel
 ' the said C. D. to appear by himself, or his proctor or
 ' attorney, in the said court, the

day of

' Witness ourself at Westminster,
 ' the

day of

' And be it farther enacted, by the authority afore-
 ' said, That no money hereafter to be paid by any
 ' offender in any criminal cause, as commutation
 ' of penance, or in lieu of, or to excuse the offender
 ' from any kind of penance, shall be paid to, or re-
 ' ceived by any person whatsoever, except to the o-
 ' verseer or overseers of the poor of the parish, or
 ' place, where such offence shall have been commit-
 ' ted; which sum or sums of money, being received
 ' by the overseers, is and are hereby directed to be
 ' distributed by them, among the poor of the parish
 ' or place where such offence was committed, in such
 ' manner as shall be directed by justices of the
 ' peace residing in or near such parish or place; and
 ' every person (other than such overseer or overseers,
 ' as aforesaid) receiving any such money for commu-
 ' tation of penance, and every person paying any
 ' such money for commutation of penance, to any
 ' person (except the said overseer or overseers) and
 ' every such overseer or overseers refusing or neglect-
 ' ing, for the space of days, to distribute the
 ' said sum or sums of money according to such di-
 ' rection

‘ rection of the said justices, as aforesaid shall re-
‘ spectively, in any or either of these cases

‘ *And it is hereby farther enacted,* That all pro-
‘ secutions shall be commenced in the said courts,
‘ within the space of after the
‘ crime or offence committed, and that no person
‘ shall be prosecuted twice for the same offence.

‘ *And it is hereby farther enacted,* by the authority
‘ aforesaid, That no person who shall be excom-
‘ municated after
‘ shall incur by such excommunication any
‘ legal disability whatsoever; but every person ex-
‘ communicated shall enjoy all privileges and bene-
‘ fits of the law, in as full and ample a manner, as
‘ if they had never been excommunicated; any
‘ law, usage or custom to the contrary thereof in any
‘ wise notwithstanding.

‘ *And it is hereby farther enacted,* That no judge,
‘ officer, or any other person belonging to any ec-
‘ clesiastical court, shall, *ex officio*, make out or issue,
‘ or cause or suffer to be made out or issued, any
‘ citation, summons, or other process, to compel or
‘ oblige any person to prove any will, or to take
‘ out letters of administration, unless some legatee,
‘ creditor, relation of the deceased, or person con-
‘ cerned in interest in the estate of the deceased, shall
‘ apply to the said court for the same; and every
‘ judge, officer or other person belonging to any
‘ such court, making out, or issuing, or causing or
‘ suffering to be made out or issued, any such cita-
‘ tion, summons or process, contrary to the intent
‘ and meaning of this act, or neglecting or refusing
‘ to cite the executors, or next of kin of any decea-
‘ sed person, upon application of any legatee, cre-
‘ ditor, or such relation as aforesaid, shall

Committee
for inquiring
into frauds.

On *Thursday* the 19th day of *April*, it was resolved, *nemine contradicente*, That a Committee should be appointed to inquire into the frauds and abuses in the customs, to the prejudice of trade and diminution of the revenue: That the number of the said Committee should be one and twenty; and that the said Committee should be chosen by way of balloting: And it was ordered, That the members of the house should upon *Tuesday* then next at 12 of the clock, prepare lists to be put into glasses, of one and twenty persons names to be the said Committee. Accordingly on *Tuesday* the said order of the day being read, Mr. Serjeant at Arms attending the house, was ordered to go with the mace into *Westminster-hall*, and into the court of requests and places adjacent, and summon the members there to attend the service of the house; and he being returned, the clerk and clerk-assistant went along each side of the house with glasses, and received from the members, the lists of persons names to be the said Committee, which were brought up to the table; and then a Committee was appointed to examine the said lists, and report to the house upon which twenty one persons the majority had fallen.

Upon this occasion it appeared that there had been two principal lists prepared, and either the one or the other had been given in, with little or no variation, by all the members of the house then attending. The list which was presumed to have been prepared by the court-party, consisted of the following gentlemen, *viz.* Sir John Cope, Baronet, Thomas Clutterbucke, Esq; Sir William Clayton, Baronet, Stephen Fox, Esq; Richard Edgcombe, Esq; the hon. Henry Pelham, Esq; Sir John Heathcote, Bart. Sir Philip Yorke, Knt. William Clayton, Esq; Anthony Lowther, Esq; Sir George Oxenden, Bart. Charles Talbot, Esq; George Wade, Esq; John Campbell of Pembroke-shire, Esq; Duncan Forbes, Esq; Sir Thomas Frankland, Bart.

Thomas

Thomas Winnington, Esq; Lord Hervey, George Doddington of Eastbury, Esq; Horatio Walpole, Esq; Sir William Yonge, Bart.

Next day the Lord *Vere Beauclerk* reported from the said Committee, That the majority had fallen upon those named in his report, who were all the same with those contained in the above list, presumed to have been prepared by the court-party, without so much as one gentleman's being left out that was in that list, nor any one put in, whose name had been in the other list.

This Committee did accordingly examine into those frauds, and did make a report, but little more was done in this affair.

On *Friday* the 20th of *April*, a petition of the druggists, and grocers, china-men, and others dealing in coffee, &c. was presented to the house and read, setting forth, that by an act passed in the tenth year of King *George I.* intitled, *An act for repealing certain duties therein mentioned, payable upon coffee, &c. imported, and for granting certain inland duties in lieu thereof, &c.* the petitioners were made to hope, that the duties arising from the said commodities would be better secured, and the interest of the fair trader better supported; but that the petitioners had found themselves, from fatal experience, subjected to laws most oppressive and injurious to trade; were deprived of the privileges of juries, and subjected to the judicial determination of commissioners, and to the inquisition and inspection of persons unknown to them, who entered their houses at pleasure, and to whom they were made accountable for all their dealings; and after having paid duty for their goods, had not liberty to sell the same without permits from the officers of excise, expressing the names and places of abode of the respective buyers and sellers, to the great damage of the petitioners, and the exposing the extent and circumstances of their trade to the said

Druggists
petition.

said officers, and to whomsoever they thought fit to communicate the same ; and were subject to severe forfeitures for errors or neglect of entries in their books, which were absolutely unavoidable ; and were moreover, by a clause in an act of the 11th of King *George* I. liable to be examined upon oath touching the entries in their books, and in case of neglect or refusal were subject to heavy fines ; that by these grievances the petitioners, as they conceived, were in a worse condition than any of his Majesty's subjects, and that the clandestine importation of tea was never at a greater height than at that present time, to the prejudice of the revenue, and the ruin of the fair traders. who only were subject to those oppressive laws ; and therefore praying that the house would give them such relief, as to their great wisdom should seem meet. Upon this petition a motion was made, and the question was put, that the petition should be referred to a Committee of the whole house ; but it passed in the negative, 250 against 150 ; tho' the generality without doors were of opinion, that the petitioners did really labour under great hardships, and would have fully proved most of the facts set forth in their petition, if the same had been referred to a Committee.

Motion as to
South Sea
accounts.

On *Friday* the 27th day of *April*, a motion was made, that the directors of the *South-Sea* company should lay before the house an account of what sums of money, *South-Sea* stock, and *South-Sea* annuities, had been received from the trustees for raising money on the estates of the late directors of the *South-Sea* company, and others, distinguishing the time of such receipts, and the application thereof, with all the orders and directions of the general courts of the said company relating to the disposition thereof. But upon putting the question, it likewise had the ill fate to pass in the negative.

On

On *Monday* the 30th of *April*, the ingrossed bill ^{Bill to prevent stock-jobbing.} to prevent the infamous practice of stock-jobbing, was (according to order) read the third time. Of which the following is a copy, *viz.*

A Bill to prevent the infamous practice of stock-jobbing.

‘ **W**HEREAS great inconveniences have
 ‘ arisen, and do daily arise, by the wicked,
 ‘ pernicious and destructive practice of stock-job-
 ‘ bing, whereby many of his Majesty’s subjects have
 ‘ been and are diverted from pursuing and exercising
 ‘ their lawful trades and vocations, to the utter ruin
 ‘ of themselves and families, to the great discour-
 ‘ agement of industry, and to the manifest detri-
 ‘ ment of trade and commerce; For *remedy whereof*,

‘ *May it please your most excellent MAJESTY;*

‘ That it may be *enacted*; And be it enacted, by the
 ‘ King’s most excellent Majesty, by and with the
 ‘ advice and consent of the Lords spiritual and tem-
 ‘ poral, and Commons, in this present Parliament
 ‘ assembled, and by the authority of the same, that
 ‘ all contracts and agreements whatsoever, which
 ‘ shall from and after the

‘ be made or entered into by or between any person
 ‘ or persons whatsoever, for delivering, assigning,
 ‘ transferring, receiving, accepting, putting, or refu-
 ‘ sing any public or joint stock, or other public se-
 ‘ curities whatsoever, or any part, share, or interest
 ‘ therein, and shall not be expressly stipulated, de-
 ‘ clared, and agreed to be performed within the space
 ‘ of
 ‘ from the making thereof; and also all wagers and
 ‘ contracts in the nature of wagers, relating to the
 ‘ then present or future price or value of any such
 ‘ stock or securities aforesaid, shall be

‘ to all intents and purposes whatsoever ;
 ‘ and all premiums, sum or sums of money whatso-
 ‘ ever, which shall be given, received, paid or de-
 ‘ livered, upon all contracts or agreements not ex-
 ‘ pressly stipulated, declared, or agreed to be per-
 ‘ formed within

‘ from the making thereof, or upon any such wagers
 ‘ or contracts in the nature of wagers, as aforesaid,
 ‘ shall be restored and repaid to the person or per-
 ‘ sons, who shall give, pay, or deliver the same, who
 ‘ shall be at liberty within

‘ from and after the ma-
 ‘ king such contract or agreement, or laying any
 ‘ such wager, to sue for and recover the same from
 ‘ the person or persons to whom the same is or
 ‘ shall be paid, or delivered with

‘ And it shall be sufficient therein for the
 ‘ plaintiff to alledge, That the defendant is indebted
 ‘ to the plaintiff, or has received to the plaintiff’s use,
 ‘ the money or premium so paid or received, where-
 ‘ by the plaintiff’s action accrued to him, according
 ‘ to the form of this statute, without setting forth the
 ‘ special matter ; and in case the person or persons,
 ‘ who shall pay or deliver such money or premium,
 ‘ as aforesaid, shall not, within the time aforesaid
 ‘ really and *bona fide*, without covin or collusion, sue,
 ‘ and with effect prosecute for the money or pre-
 ‘ mium so by him or them paid, given, or delivered,
 ‘ as aforesaid, then it shall and may be lawful to and
 ‘ for any other person or persons whatsoever, within
 ‘ months next after the making such con-
 ‘ tract or agreement, or laying any such wager, as
 ‘ aforesaid, by any such
 ‘ against any
 ‘ such person or persons, who shall receive or take
 ‘ the same.

IX. And

‘ *And*, for the better discovery of the monies or
‘ premium, which shall be given, paid or delivered,
‘ and to be sued for or recovered, as aforesaid, *It is*
‘ *hereby farther enacted*, by the authority aforesaid,
‘ That all and every the person or persons, who by
‘ virtue of this present act shall or may be liable to
‘ be sued for the same, shall be obliged and compel-
‘ led to answer upon oath such bill, as shall be pre-
‘ ferred against him or them for discovering any such
‘ contract or wager, and the sum of money or pre-
‘ mium so given, paid or delivered, as aforesaid.

‘ *And be it farther enacted*, by the authority aforesaid,
‘ That all and every person or persons whatsoever,
‘ who shall enter into, make or execute any
‘ such contract, bargain or agreement, not expressly
‘ stipulated or agreed to be performed within
‘ after the making thereof, as aforesaid, or
‘ shall lay any such wager, or make any such con-
‘ tract in nature of a wager, as aforesaid, except
‘ such person or persons who shall actually and *bona*
‘ *fide*, without covin or collusion, sue, and with ef-
‘ fect prosecute for the recovery of the money or
‘ premium, given, delivered, or paid by him, her,
‘ or them, as aforesaid, and also except such person
‘ or persons, who shall discover, and actually and
‘ *bona fide*, without covin or collusion, repay such
‘ monies or premiums, as he, she, or they shall have
‘ had, taken, received, or been paid as aforesaid;
‘ and also all and every brokers, agents, scriveners,
‘ or other persons, negotiating, transacting, or wri-
‘ ting any such contract, bargain, or agreement, not
‘ to be performed within
‘ after the making thereof as aforesaid, shall

‘ *And*, for preventing the evil practice of com-
‘ pounding, or making up differences for stocks, or
‘ other securities, bought, sold, or at any time here-
‘ after to be agreed so to be, *Be it farther enacted*,

‘ by the authority aforesaid, That no money or other
 ‘ consideration whatsoever, shall from and after the
 ‘ be vo-
 ‘ luntarily given, paid, had, or received, for the
 ‘ compounding, satisfying, or making up any diffe-
 ‘ rence for the not delivering, transferring, having or
 ‘ receiving any public or joint stock, or other pub-
 ‘ lic securities, or for the not performing of any
 ‘ contract or agreement so stipulated and agreed to
 ‘ be performed, but that all and every such contract
 ‘ and agreement shall be specifically performed and
 ‘ executed on all sides, and the stock or security
 ‘ thereby agreed to be assigned, transferred, or de-
 ‘ livered, shall be actually so done, and the mo-
 ‘ ney or other consideration thereby agreed
 ‘ to be given and paid for the same, shall also be
 ‘ actually and really given and paid; and all and e-
 ‘ very person and persons whatsoever, who shall from
 ‘ and after the
 ‘ voluntarily compound, make up, pay, satisfy, take
 ‘ or receive such difference, money, or other confi-
 ‘ deration whatsoever, for the not delivering, trans-
 ‘ ferring, assigning, having or receiving such stock
 ‘ or other security so to be agreed to be delivered,
 ‘ transferred, assigned, had or received, as aforesaid,
 ‘ shall

‘ *And whereas* it is a frequent and mischievous
 ‘ practice for persons to sell and dispose of stocks or
 ‘ other securities, of which they are not possessed,
 ‘ *Be it therefore farther enacted*, by the authority a-
 ‘ foresaid, That all contracts and agreements whatso-
 ‘ ever, which shall from and after the said

‘ be made or entered into for the buying, sel-
 ‘ ling, assigning, or transferring of any public or
 ‘ joint stock or stocks, or other public securities what-
 ‘ soever

‘soever, or of any part, share or interest therein,
‘whereof the person or persons contracting or agree-
‘ing, or on whose behalf the contract or agreement
‘shall be made to sell, assign, or transfer the same,
‘shall not, at the time of making such contract or
‘agreement, be actually possessed of, or intitled un-
‘to, in his, her, or their own right, or in his, her,
‘or their own name or names, shall be null and void
‘to all intents and purposes whatsoever; and all
‘and every person or persons whatsoever, contracting
‘or agreeing, or on whose behalf, and with whose
‘consent, any contract or agreement shall be made,
‘to sell, assign, or transfer any public or joint
‘stock or stocks, or other public securities, where-
‘of such person or persons shall not, at the time
‘of making such contract or agreement, be actual-
‘ly possessed of or intitled unto, in his, her, or
‘their own name or names, or rights, as aforesaid,
‘shall

And all and every broker or brokers, agent
‘or agents, who shall negotiate, transact, or inter-
‘meddle in the making, or procuring to be made,
‘any such contract or agreement, as aforesaid, and
‘shall know, that the person or persons, by whom
‘or on whose behalf such contract or agreement shall
‘be made, is or are not possessed of, or intitled un-
‘to, the stock or security, concerning which such
‘contract or agreement shall be made, in his, her,
‘or their own name or names, or right, shall for
‘every such offence

‘And be it farther enacted, by the authority a-
‘foresaid, That from and after the said

‘ all and every broker or brokers, or other person or
‘ persons, who shall negotiate or act as a broker in
‘ the buying, selling, or otherwise disposing of any
‘ of the said public or joint stocks, or other public
‘ securities, shall respectively keep a book or register,
‘ which shall be called *The brokers book*, in which said
‘ book he and they shall fairly, justly, and truly en-
‘ ter all contracts, agreements and bargains, that he
‘ or they shall from time to time make between any
‘ person or persons whatsoever, on the day of ma-
‘ king such contract or agreement, together with the
‘ names of the principal parties, as well buyers as
‘ sellers, and also the day of making such contract or
‘ agreement, to the intent and purpose that such bro-
‘ ker or brokers, and other person or persons, act-
‘ ing or negotiating as such, as aforesaid shall from
‘ time to time produce such book or register, when
‘ thereunto lawfully required; and in case such bro-
‘ ker or brokers, or any other, who shall negotiate
‘ or act as a broker, in relation to any the matters
‘ aforesaid, shall not keep such book or register, as
‘ aforesaid, or shall omit to enter therein fairly,
‘ justly and truly, any such contract, bargain or a-
‘ greement, as aforesaid, he or they shall for every
‘ such offence or omission

‘ *Provided always*, that nothing in this act con-
‘ tained, shall extend or be construed to extend to
‘ any contracts or agreements for the purchase or
‘ sale of any stock, annuities, or other public secu-
‘ rities, to be made with the privity of the accoun-
‘ tant general of the court of *Chancery*, in pursuance
‘ of any decree or order of the said court; but that
‘ all such contracts and agreements may be made
‘ and performed in the same manner, as they might
‘ have been, if this act had never been made.

Pro-

‘ *Provided always, and be it farther enacted, by*
 ‘ the authority aforesaid, that this present act shall
 ‘ continue and be in force from the
 ‘ for the term
 ‘ of
 ‘ and from thence to the end of the then next session
 ‘ of Parliament, and no longer.

This bill, in its procedure through the house of Commons, met with little or no opposition till it came to the third reading: But upon its being read the third time, and the question for its passing moved for, *William Glanville, Esq;* one of the members for *Hytbe in Kent*, stood up, and spoke in substance as follows, *viz.*

‘ Sir, There is, in my opinion, a very great Mr. Glan-
 ‘ hardship to be put, by the bill now before us, up- ville's
 ‘ on the proprietors of the public funds. As the law speech.
 ‘ now stands, a gentleman may sell his estate, a mer-
 ‘ chant or tradesman may sell his goods, every man
 ‘ may dispose of his property by a bargain for time,
 ‘ or in whatever manner he pleases: But by this
 ‘ bill the creditors of the public, those who have put
 ‘ their trust in the public faith, are to be laid under
 ‘ a particular restraint; a restraint which they were
 ‘ no way subject to when they lent their money to
 ‘ the public: From henceforth they must not dis-
 ‘ pose of their property, but in the particular man-
 ‘ ner by this bill prescribed!

‘ I am, Sir, as great an enemy to stock-jobbing
 ‘ as any gentleman in this house, and for prevent-
 ‘ ing that pernicious practice, I shall be glad to join
 ‘ in any measures which are not destructive of pub-
 ‘ lic credit, and injurious to private persons, with
 ‘ respect to the free use of their property; but, as I
 ‘ think the measures proposed by this bill will cer-
 ‘ tainly be destructive of the one, and injurious to
 ‘ the other, therefore I cannot let it pass with-

‘ out taking the liberty of offering my objections a-
‘ gainst it.

‘ It is in all cases a great hardship put upon peo-
‘ ple, to subject them to penalties which may often
‘ by meer ignorance be incurred ; but in this case
‘ the hardship is the greater, because there are many
‘ proprietors of the public funds, particularly wo-
‘ men, who cannot be presumed to be readers of
‘ acts of Parliament : They put an intire confidence
‘ in their brokers, and, if the broker happens to ne-
‘ glect some of the forms prescribed, the most inno-
‘ cent persons may be brought under great penalties.
‘ Nay, I may say, that if this bill passes into a law,
‘ it will always be in the power of two or three bro-
‘ kers to subject those that employ them, to the se-
‘ vere penalties to be enacted by this bill ; for if two
‘ brokers should combine, and enter in their books
‘ a bargain for time, as made between two of their
‘ correspondents, they might easily get a third per-
‘ son to combine with them, and to inform against
‘ the presumed buyer and seller ; the brokers books
‘ sworn to by the brokers, whom they usually em-
‘ ployed, would be a strong proof against them ; and
‘ thus two innocent men might be brought to suffer
‘ severely for an agreement which had never enter-
‘ ed into either of their heads.

‘ It often happens, Sir, that a gentleman, who
‘ foresees that he shall have use for his money in
‘ three or four months time, is well satisfied with the
‘ price his stock then bears ; he cannot then sell out
‘ his stock for ready money, because he does not
‘ know what to do with his money in the mean time:
‘ But as the law now stands, he may take advantage
‘ of the then current price of stock, he may sell it
‘ out at that price, or perhaps at an advanced price,
‘ to be delivered only when he knows he shall have
‘ occasion for the money ; this he acquaints his bro-
‘ ker of, and the broker may probably find him out
‘ a man who likes the then current price, and ex-
‘ pects

‘ expects money to be thrown into his hands in three
‘ or four months, which he resolves to employ in
‘ that fund : In this case the buying and selling for
‘ time is convenient for both, and it is not to be
‘ questioned, but, that many are encouraged to be-
‘ come purchasers of stock upon this very account ;
‘ therefore the forbidding of any such agreement for
‘ the future, will not only prove to be an inconveni-
‘ ence to many who are now possessed of stock, but
‘ will prevent some people’s becoming purchasers,
‘ which, of consequence, will do harm to the pub-
‘ lic credit of the nation.’

‘ It is well known, Sir, that the chief support of
‘ the credit of our public funds is owing to the rea-
‘ dy access people have, at all times, to the money
‘ they have there lodged ; but this ready access will,
‘ by this bill, be made very precarious, to all those
‘ who shall hereafter be obliged to sell at once all
‘ the property they have in any particular fund :
‘ For, if the purchaser should fail to comply with
‘ his agreement, the seller cannot, upon the transfer
‘ day, compound the difference with him, and sell
‘ out his stock to another, in order to raise the mo-
‘ ney he has immediate use for : No, he must sue
‘ the man he sells to, and for that end he must make
‘ a transfer of his stock, which transfer must stand
‘ upon the books during the whole continuance of
‘ the suit ; he cannot, in the mean time, sell his
‘ stock to another, for if he did so, he would not be
‘ able to shew, at the trial, that he had made a spe-
‘ cific performance on his part, and consequently
‘ he would certainly be nonsuited, and obliged to
‘ pay costs. This, Sir, will be a most intolerable
‘ grievance upon all the proprietors of our public
‘ funds, and will make many of them resolve to
‘ turn their money to some other use.

‘ I must be of opinion, that the making a law to
‘ prevent men’s coming to an amicable composition
‘ of

‘ of any difference that may be between them, seems
‘ to me something extraordinary. This will be such
‘ a discouragement, that no man, I believe, will
‘ chuse to become a purchaser of any of our funds,
‘ when he knows that he cannot afterwards sell out
‘ his stock, without exposing himself to the danger
‘ of being involved in a law-suit, to which he is
‘ by law expresly prohibited to put any end by an
‘ amicable agreement. And if a purchaser should,
‘ by any disappointment, be disabled to comply
‘ with the purchase he had made, but was willing
‘ to pay down, in ready money, the difference,
‘ which might not, perhaps, amount to five pounds,
‘ it would be very hard to oblige him to stand out
‘ a law-suit to the very last, which would cost him,
‘ at least, treble that money.

‘ That, Sir, of obliging a man to answer upon
‘ oath, in a case where great penalties, may be in-
‘ curred, seems likewise to me to be a very new and
‘ and a very extraordinary sort of clause : It is no
‘ way consonant to the spirit of our laws, to oblige
‘ a man to accuse himself ; and as it lays a founda-
‘ tion for every person that pleases to be so mali-
‘ cious, to bring a bill in Chancery against any man,
‘ who is, or ever was possessed of any of our public
‘ funds ; it will consequently be a great discourage-
‘ ment to any man’s becoming a purchaser, or con-
‘ tinuing to be a proprietor of those funds, and
‘ will of course tend to the destruction of all public
‘ credit.

‘ Another hardship I shall take notice of, is, Sir,
‘ that if this bill passes, no man, for the future, can
‘ employ a merchant to buy or sell stock for him ;
‘ for if a merchant should be employed, and should
‘ charge commission for his trouble, he would incur
‘ some of the penalties of this bill, unless he kept a
‘ regular book, and fairly entered therein all such
‘ transactions, in the same manner as brokers are by
‘ this bill obliged to do.

‘ All

‘ All these, Sir, are hardships, which I think the
 ‘ creditors of the public ought not to be subjected
 ‘ to, and, therefore, I cannot give my consent to
 ‘ the passing of this bill. I would sooner have taken
 ‘ notice of these things, but there happened to be
 ‘ such a noise and disturbance in the house both upon
 ‘ the second reading of this bill, and likewise when
 ‘ it was in the committee, that I could not expect
 ‘ to be heard, and therefore I did not then rise up
 ‘ to say any thing against it.

William Bowles, Esq; one of the members for
Bridgeport in Dorsetshire, spoke next against the bill’s
 passing ; and after him,

Sir *George Caswall* spoke in substance as follows, Sir George
Caswall’s
speech.
 ‘ Sir, It is evident that this bill will be extremely
 ‘ inconvenient to all the proprietors, or dealers in
 ‘ any of our public securities : The words of it are so
 ‘ general, that I do not know but that even navy bills,
 ‘ and contracts for furnishing the navy with provi-
 ‘ sions, will be comprehended ; and, if they are,
 ‘ the usual way of dealing in such affairs will be in-
 ‘ tirely prevented, which may be of dangerous con-
 ‘ sequence to the nation ; for it is well known, that
 ‘ those who contract for furnishing the navy with
 ‘ provisions, seldom or never have as much money of
 ‘ their own as is sufficient for making good the con-
 ‘ tracts they enter into. It is usual for a man who
 ‘ has not, perhaps, 10,000*l.* of his own, to contract
 ‘ for furnishing the navy with 40,000 pounds worth
 ‘ of provisions ; and in such cases the method always
 ‘ hitherto observed, is, for the contractor, as soon
 ‘ as he has made such contract, to go to some mo-
 ‘ nied man, who furnishes him with what money
 ‘ he stands in need of, upon his becoming bound for
 ‘ the money advanced, with interest from the date,
 ‘ and obliging himself to deliver navy bills, at the
 ‘ price then agreed on, equal to the principal money
 ‘ then

‘ then advanced, and the interest that shall in the
‘ mean time grow due.

‘ These bills, Sir, I look on as public securities,
‘ because they are generally every year provided for
‘ by parliament, and therefore I take them to be
‘ within the general words of this bill ; and as all
‘ such bills vary a great deal in their price, in-
‘ much, Sir, that I have known them at five-and-
‘ forty *per cent.* discount, it will for the future be
‘ impossible for those who contract for furnishing the
‘ navy with provisions, to enter into any such agree-
‘ ment with any moneyed man whatever, conse-
‘ quently no man can hereafter contract for furnish-
‘ ing the navy with more provisions than he can
‘ purchase with his own money, which will of
‘ course make the providing for the navy much more
‘ difficult than heretofore. This, Sir, is one very
‘ great inconvenience, which must arise from this
‘ bill ; but there are so many others, that, in my
‘ opinion, the title of the bill ought to be altered,
‘ and instead of calling it a bill for preventing the
‘ scandalous practice of stock-jobbing, it ought to
‘ be called a bill for the destroying of public credit.’

Sir John
Barnard's
speech.

Sir John Barnard then rose up, and spoke to the
‘ effect as follows, *viz.* ‘ I did not offer, Sir, to
‘ rise up sooner, because as we are now upon the
‘ third reading of this bill, against which there were
‘ few or no objections made in any part of its pro-
‘ gress through this house, I was willing to hear all
‘ the objections that were to be made against it,
‘ before I rose up to answer, that I might thereby
‘ give you as little trouble as possible. I am, in-
‘ deed, surpris'd to hear any gentleman say, that
‘ there was upon any occasion, such a noise in the
‘ house that he could not be heard : It is true, when
‘ a bill is a passing, which is thought to be a bill of
‘ course, there are but few gentlemen give great at-
‘ tention to it, and upon such occasions, when gen-
‘ tlemen

‘ tlemen are not otherwise employed, they will fall
‘ a talking with one another, which must of course
‘ occasion some little noise in the house. But every
‘ gentleman knows, that upon any such occasion,
‘ whoever inclines to speak to the bill in hand, may
‘ rise up and call to the chair : It is then the duty of
‘ the chair to order silence, and then the house will
‘ become attentive to the gentleman who is to speak.
‘ This is the method of proceeding in this house, and
‘ this, Sir, you have always taken a proper care to
‘ see punctually observed.

‘ I wish, Sir, with all my heart, that the gentle-
‘ men had made their objections to this bill when it
‘ was before the committee, for then it might have
‘ been made to their own liking, if it be possible to
‘ make any such bill to their liking. When any bill
‘ is brought into this house, it is usual for all gen-
‘ tlemen who have a mind that some bill of that
‘ nature should pass, to make their objections to
‘ the parts of it they find fault with, either upon the
‘ second reading, or upon its being committed ; be-
‘ cause, that, if their objections be well-founded,
‘ such amendments may then be made to the bill, as
‘ may obviate all objections that can be reasonably
‘ made against it : But when gentlemen have no
‘ mind that any bill of that nature should pass, it is
‘ well known that they reserve all their objections to
‘ the very last, in order to throw out the bill upon
‘ its third reading : For this reason I must, Sir, have
‘ some suspicion, that those gentlemen, who now
‘ begin to make their objections against the bill we
‘ have at present before us, have no mind that any
‘ such bill should pass, as would effectually put an
‘ end to the practice of stock-jobbing.

‘ I find, Sir, it is granted upon all hands, that
‘ the practice of stock-jobbing is pernicious to the
‘ trade, and to the people of this nation : This then
‘ is an evil that ought to be remedied if possible ;
‘ and by the bill now before us, we are, at least we
‘ propose

‘ propose to remedy this evil. Now, Sir, in all such
‘ cases, it is certain that no remedy can be proposed,
‘ but what will be attended with some inconvenien-
‘ ces, and therefore we are to consider on which side
‘ the ballance lies; whether the inconveniences, re-
‘ medied by the law proposed, are more considera-
‘ ble than the inconveniences that may be occasioned
‘ thereby, or if the last be more considerable than the
‘ first? If we judge that the first are the most con-
‘ siderable, we are surely to pass the bill, notwith-
‘ standing those inconveniences that may be occa-
‘ sioned thereby: If we judge that the last are the
‘ most considerable, we are to throw out the bill,
‘ and rather continue under the former evil than
‘ subject ourselves to a greater. This, Sir, is cer-
‘ tainly the proper rule to judge by in the present
‘ case, and, therefore, by this rule let the bill now
‘ before us be tried.

‘ The many bad consequences of stock-jobbing
‘ are, I believe, well known, and that it is high
‘ time to put an end to that infamous practice, is,
‘ what, I hope most gentlemen in this house are
‘ convinced of. It is a lottery, or rather a gaming
‘ house, publicly set up in the middle of the city of
‘ *London*, by which the heads of our merchants and
‘ tradesmen are turned from getting a livelihood, or
‘ an estate by the honest means of industry and fru-
‘ gality, and are inticed to become gamesters by the
‘ hopes of getting an estate at once. It is, Sir, not
‘ only a lottery, but a lottery of the very worst sort,
‘ because it is always in the power of the principal
‘ managers to bestow the benefit tickets as they have
‘ a mind. It is but lately since, by the arts and prac-
‘ tices of stock-jobbing, the *East-India* stock was run
‘ up to 200 *per cent.* and in a little time after it tum-
‘ bled down again below 150; several millions were
‘ lost and won by this single job, many poor men
‘ were undone; so bare-faced were some men, at
‘ that

‘ that time, in the infamous practice of stock-job-
‘ bing, that after that stock began to fall, they sold
‘ it cheaper for time than for ready money, which
‘ no man would have done, unless he had been
‘ made acquainted with the secret which came after-
‘ wards to be unfolded, but was then known to a
‘ very few.

‘ We know, Sir, how apt mankind are in their
‘ own natures to become gamesters ; but in this game
‘ of stock-jobbing, our merchants, tradesmen, and
‘ shopkeepers, are prompted not only by their own
‘ inclinations, but also by some of their acquaintance,
‘ who have taken up the trade of being brokers in
‘ *Exchange-Alley*. It is natural for men to endea-
‘ vour to make the most of the business they pursue ;
‘ and where there are such a number of brokers, we
‘ may believe that some of them do endeavour to
‘ persuade all those of their acquaintance to become
‘ stock-jobbers. The broker comes perhaps to the
‘ merchant, and talks to him of the many fatigues
‘ and dangers, the great trouble and the small pro-
‘ fits that are in his way of trade ; and after having
‘ done all he can to put the man out of conceit with
‘ his own business, which is often too easily effectua-
‘ ted, he then tells him, that if he will allow him
‘ to dig for him in the rich mine of *Exchange-Alley*,
‘ he may get more for him in a day, than he could
‘ get by his trade in a twelve-month. Thus the mer-
‘ chant is persuaded ; he engages, he goes on for
‘ some time, but never knows what he is a doing
‘ till he is quite undone : His just creditors are sur-
‘ prised ; what, say they, this man had a good stock
‘ to begin with, he has had a good trade for several
‘ years, he never lived extravagantly, what is be-
‘ come of his effects and money ? They inquire, they
‘ search into his affairs, and at last perhaps they find
‘ out that the whole was gamed away by his broker
‘ in *Exchange-Alley*.

‘ This,

‘ This, Sir, may, for what I know, increase pub-
 ‘ lic credit for a time, but I am sure it is a great
 ‘ discouragement to trade, which is the chief, the
 ‘ only solid support of public credit ; and it is the
 ‘ ruin of all private credit, it destroys that mutual
 ‘ faith among merchants, by which only our trade
 ‘ can be made to prosper and flourish. This, Sir, is
 ‘ a domestic evil, an evil which, though fatal in its
 ‘ consequences, yet does not perhaps immediately
 ‘ draw any money out of the nation ; but there is a
 ‘ foreign evil attending the game of stock-jobbing,
 ‘ by which the nation may be plundered of great
 ‘ sums of money at once. It is, by the means of
 ‘ stock-jobbing, always in the power of every fo-
 ‘ reign court to raise contributions upon this nation
 ‘ whenever they please : They have no more to do,
 ‘ but to send over and order a great deal of stock to
 ‘ be sold out at the current price for time, then raise
 ‘ an alarm of the *Pretender*, or some such alarm,
 ‘ by which they may make all our public funds
 ‘ fall perhaps 20 *per cent.* and so purchase in stock
 ‘ 20 *per cent.* cheaper than they sold, in order to
 ‘ perform their part of the contracts they had before
 ‘ made for time. Thus, Sir, they may make a har-
 ‘ vest of the fall of our public funds, and as they
 ‘ know best when the alarm will blow over, they
 ‘ may make a new harvest of their rise.

‘ These, Sir, are but a few of the many incon-
 ‘ veniences that arise by stock-jobbing, Give me
 ‘ leave now to examine those inconveniences, which
 ‘ ’tis pretended will be occasioned by the passing of
 ‘ this bill into a law : As to the real and honest
 ‘ creditors of the public, I have as great a regard
 ‘ for that faith which ought to be preserved towards
 ‘ them, as any gentleman whatever ; I shall never
 ‘ be for doing any thing that may lessen their secu-
 ‘ rity, as to the payment either of the principal or
 ‘ interest, and I wish that every gentleman in this
 ‘ was of the same mind. But can it be said,
 ‘ that

‘ that the making such regulations as the public good
‘ requires, for the transferring of their property from
‘ one to another, is any impeachment of the public
‘ faith? The preventing of stock-jobbing, is so far
‘ from being a breach of public faith, that I am sure
‘ it is what all the honest creditors of the public wish
‘ and desire : And as there is nothing in the bill that
‘ can be a hardship upon any fair purchaser or seller,
‘ it will be so far from being destructive to public
‘ credit, that it will rather increase it, because it will
‘ make the value of every man’s property in the pub-
‘ lic funds more certain and invariable ; for all those
‘ who have no other aim but to receive their divi-
‘ dends punctually, and to have their principal mo-
‘ ney secure, chuse to be in that fund which is sub-
‘ ject to the fewest and least mutations ; and this is
‘ the reason that we always see the annuity funds bear
‘ a higher price in proportion, than any of our tra-
‘ ding stocks.

‘ To say, that no penalty ought to be inflicted on
‘ a practice that is found to be inconsistent with the
‘ public good, because persons ignorant of the law,
‘ may thereby suffer, seems to me, Sir, to be a ve-
‘ ry odd pretence. I hope gentlemen will, in all
‘ other cases, be as careful of inflicting penalties up-
‘ on the subject : It is indeed what never ought to be
‘ done, but in cases of the utmost necessity ; but
‘ where the advancement of the public good, or the
‘ security of private property can be come at in no
‘ other way, it must be done, and every man is ob-
‘ liged to know the law, or to apply himself to
‘ those that do. In the present case, no man can
‘ by ignorance subject himself to the penalties pro-
‘ posed in this bill, without some dishonest intent ;
‘ for I am convinced, that no man ever did, or ever
‘ will, either buy or sell stock for time, unless he
‘ knows more, or at least thinks he knows more
‘ about that stock than the man to whom he sells, or
‘ from whom he buys, which intention is certainly

‘ not very fair, though, when it is not extended too
‘ far, it may be necessary to overlook it in the way
‘ of commerce.

‘ This, Sir, leads me to consider the pretended
‘ conveniences of bargains in stock for time. Sup-
‘ pose a gentleman finds he must sell out his stock
‘ three months hence, suppose another expects mo-
‘ ney in three months time, which he intends to lay
‘ out on the purchase of stock, I believe neither the
‘ one will purchase, nor the other sell till that time
‘ comes, unless he knows, or thinks he knows some
‘ secret relating to that stock which other people are
‘ not aware of; for if he that is to sell expects no va-
‘ riation in the value of his property, why should he
‘ sell till he has occasion for his money? But grant-
‘ ing that he is so much satisfied with the then cur-
‘ rent price, that he absolutely resolves to sell at that
‘ very time, may he not sell for ready money, and
‘ lodge his money in the bank till he has occasion
‘ for it, since no man can pretend but that his mo-
‘ ney is as secure, when lodg’d in the bank, as it
‘ can be in any of our public funds? And as to the
‘ buyer, I am sure no wise man will venture to pur-
‘ chase stock till he has the money at command, un-
‘ less he does it in expectation that the stock will
‘ rise, which is downright gaming, and what is in-
‘ tended by this bill to be prevented.

‘ As to a man’s being obliged to answer upon
‘ oath to any bill filed against him, it can be no hard-
‘ ship, because whoever does so answer, and fairly
‘ discovers the agreement made, is free from all pe-
‘ nalties; he becomes liable to nothing but to return
‘ the money which he received; and as the law now
‘ stands, whoever receives money to another’s use,
‘ is obliged to answer upon oath, and will be obli-
‘ ged to return the money he confesses so to have re-
‘ ceived.

‘ To pretend, Sir, that by this bill men may be
‘ subjected to great penalties, by the perjury and
‘ conspiracy of two or three brokers, is another ob-
‘ jection for which there is no foundation ; for against
‘ perjuries and conspiracies there can be no guard,
‘ but that of a fair trial by an honest jury ; by such
‘ a trial any such conspiracy might probably be dis-
‘ covered ; it would be almost impossible for three
‘ rogues to concert their story so together, but that
‘ the conspiracy would be discovered by examining
‘ them apart, and cross-questioning each, in the man-
‘ ner usual at all trials ; so that this too is nothing
‘ but an imaginary evil ; and is as strong an ob-
‘ jection against every penal law, that ever was, or
‘ ever can be enacted, as it is against the bill now
‘ before us.

‘ There is nothing in this bill, Sir, that can ob-
‘ lige any man to go to law, either as plaintiff or
‘ defendant, contrary to his inclinations, or that
‘ can prevent his making up any difference there
‘ may be between him and another ; for tho’ the
‘ buyer of the stock may not perhaps be able to pay
‘ for the stock he had bought, because of some dis-
‘ appointment he has in the mean time met with,
‘ yet it is not to be presumed, that he will not be
‘ able to pay the difference in ready money, and if
‘ he can pay that in ready money at the books,
‘ cannot he immediately sell out the stock to ano-
‘ ther at the then current price, and thereby raise
‘ the rest of the money, which he may order to be
‘ delivered to the man who sold to him ? May not
‘ every bargain be thus specifically performed, if the
‘ parties are inclined so to do ? In this the only in-
‘ convenience is, that there must be a double trans-
‘ fer, which is performed with so little trouble or
‘ expence, that I hope it will be no way regarded
‘ in the present debate. And as it may be suppo-
‘ sed, that if this bill passes into a law, there will
‘ be few or no purchasers but such as are able to per-

‘ form at the time they purchase ; therefore the other
‘ objection, of the seller’s being obliged to keep his
‘ stock till the end of a tedious law-suit, is of no
‘ weight ; for as every purchaser will be able, and
‘ will probably be willing, to perform his part of
‘ the agreement, it is not to be presumed that there
‘ will ever be any law-suits upon that head.

‘ I am really surpris’d, Sir, to hear gentlemen
‘ talk of their being, by this bill, prevented from
‘ employing a merchant or friend to buy or sell
‘ stock for them ; such gentlemen do not, it seems,
‘ know that commission and brokerage are two dif-
‘ ferent articles : If a merchant is employed to buy
‘ or sell stock for another, he may either do it him-
‘ self, or he may employ a broker ; if he employs
‘ a broker, he charges both brokerage and commis-
‘ sion, and if he does it himself he charges only com-
‘ mission : In neither case does he act as a broker,
‘ nor will he be obliged to keep any book for that
‘ purpose.

‘ I have now, Sir, gone through all the material
‘ objections I have heard made against this bill. I
‘ hope I have shewn, that there is no weight in any
‘ of them ; I hope I have shewn, that all the incon-
‘ veniences which are pretended to arise from this bill
‘ are imaginary ; and I think I have shewn very real
‘ inconveniences arising from the infamous practice
‘ of stock-jobbing, and every gentleman in the house
‘ may suggest to himself a great many more. We
‘ ought to consider, that no bad custom or practice
‘ ever crept into any nation, but what some people
‘ got by ; and let the practice be as pernicious as it
‘ will, we may presume, that those who get by it,
‘ will endeavour to raise objections against every
‘ effectual remedy that can be offered ; but as no
‘ gentleman in this house can be any way concerned
‘ in the gettings by stock-jobbing, so, I hope, they
‘ will not allow themselves to be misled by any fri-
‘ volous

‘ volous objections, started without doors, by those
 ‘ who are.’

Stamp Brooksbank, Esq; one of the members for ^{Mr. Brooksbank's} *Colchester in Essex*, said, ‘ Sir, I make no doubt but ^{speech.}
 ‘ that there was a great deal of money lost and won
 ‘ by the late sudden rise and fall of *East-India* stock,
 ‘ and I am persuaded that a great many of those,
 ‘ who became purchasers upon the rise of that stock,
 ‘ were such as never intended to hold the stock for
 ‘ the sake of the dividend, but that they were such as
 ‘ bought only with a view of making an advantage
 ‘ by selling it out again at an advanced price : This,
 ‘ ’tis true, is a sort of gaming, but it is of such a sort
 ‘ as cannot be intirely prevented, even by the bill
 ‘ now before us ; so that, in such a case, no great
 ‘ benefit can be expected by the bill ; and in many
 ‘ cases it will certainly be attended with great incon-
 ‘ veniences. I shall mention only two, the first of
 ‘ which is that of the long annuities : It often hap-
 ‘ pens that in the sale of such public securities, the
 ‘ seller must deduce his title in the same manner as
 ‘ if he were to sell a land estate ; so that it will be
 ‘ impossible for him to compleat the conveyance
 ‘ in ten days, which is the time limited in this
 ‘ bill ; and therefore I am of opinion, that the
 ‘ sale of such annuities will, in many cases, be-
 ‘ come impracticable, if this bill should pass into a
 ‘ law.

‘ It is certain, Sir, that merchants may sell goods
 ‘ to be delivered at any time the contractors shall
 ‘ agree on : I know that in the *Russia* trade, it is
 ‘ usual for the merchants concerned in that trade, to
 ‘ enter into contracts to deliver hemp at a certain
 ‘ price, at a certain future time, though, perhaps,
 ‘ at the time of making the contract, the hemp is
 ‘ not so much as purchased or contracted for in
 ‘ *Russia* : This is a privilege which is enjoyed by all
 ‘ merchants, with respect to the goods they deal in,

‘ and I can see no reason why the proprietors of
 ‘ our public funds should not enjoy the same privi-
 ‘ lege.

‘ The other inconvenience I shall mention, is,
 ‘ That of the disappointments which some of the
 ‘ public creditors may meet with in the sale of their
 ‘ properties, which will certainly be much aggrava-
 ‘ ted by this bill : Suppose a man enters into an a-
 ‘ greement for the purchase of a land estate, and co-
 ‘ venants to pay the price against such a day, under
 ‘ a great penalty ; for enabling him to perform his
 ‘ agreement, he sells out 10,000 *l.* of his stock, to
 ‘ be delivered some few days before that day on
 ‘ which he is, by his covenant, obliged to pay for
 ‘ his estate : Suppose the purchaser of the stock does
 ‘ not come to accept of the stock, or to pay the
 ‘ price ; as the law now stands, the seller of the stock
 ‘ may make a tender of his stock at the books, and
 ‘ may sell it out next transfer day at the risque of the
 ‘ buyer, by which he is enabled to pay for his e-
 ‘ state, and he may recover from the purchaser of
 ‘ his stock, what he lost by his not accepting and
 ‘ paying for the stock according to agreement : But
 ‘ if this bill passes into a law, the seller of stock
 ‘ must, I presume, keep his stock till the end of the
 ‘ law-suit between him and the buyer, in order that
 ‘ he may be always ready to make a specifical per-
 ‘ formance ; by which means, if he has no other fund
 ‘ for raising ready money, he must subject himself to
 ‘ the penalty of his covenant, as to the purchase of
 ‘ the estate. As these are inconveniences which may
 ‘ often occur, I think it hard to subject the pro-
 ‘ prietors of the public funds to them ; and there-
 ‘ fore I shall be against the bill’s passing in the form
 ‘ it is at present.’

Sir Robert
 Walpole’s
 speech.

Mr. Chancellor of the *Exchequer*. ‘ Sir, I wish
 ‘ the objections now started against the passing of
 ‘ this bill, had been mentioned either upon the se-

cond reading, or in the committee : I do really think that the bill might have been drawn up, as to some parts of it, with something of more perspicuity, as to have intirely obviated the objections now made to it ; but as most of the objections now made are founded upon mistakes, as to the meaning and intention of the bill, I am therefore of opinion, that they ought not to be of weight enough to prevent its passing.

As to what the honourable gentleman was pleased to mention about navy contracts, I cannot think that they come any way under the case now before us. The navy always contracts to pay ready money to all those who agree to furnish them with any stores or provisions, and after a man has entered into such a contract, he may certainly sell, or assign any interest, or any share of the interest he has therein, to another, notwithstanding the bill now before us. Upon such contracts the money is indeed generally paid by navy bills, but that cannot hinder the private contractor to raise money upon his contract after what manner he pleases ; he may even oblige himself to deliver navy bills at such a price ; for before they are issued, they surely cannot be deemed to be public securities ; and if upon delivering the stores and provisions, the navy should actually pay ready money to the private contractor, can it be so much as pretended, that he would then be obliged to deliver navy-bills to the person from whom he had borrowed money, upon his contract with the navy : Would not, in such a case, the repayment of the money borrowed, with interest, be a full performance of his engagement with the lender ? Navy bills, indeed, after they are once issued, do certainly become public securities, and then they are to be bought and sold in the manner prescribed by this bill, which can no way injure public credit.

‘ As to the objection against compounding, or voluntarily receiving any difference, I cannot think, that the law, as to the performance on the seller’s part, is any way altered by this bill. He is not, by this bill, obliged to keep the stock sold in his possession, any longer than he was before ; he may certainly perform upon his part by a tender of the stock, in the same manner as he could have done before ; he may then sell out his stock, and he may bring his action against the buyer for not performing his part of the contract, upon which action he will recover the difference by way of damages.

‘ Indeed, that objection relating to the long annuities, has something more in it, and therefore I wish it had been provided against by some words, or some clause in the bill ; but it is a case that will happen but seldom, and the difficulty may be, by proper management and dispatch, in all cases, surmounted, and therefore I do not think it sufficient for throwing out the bill ; for the practice of stock-jobbing has been so prejudicial to this nation, that no trivial objection ought to take place against a bill by which, I think, that practice will be prevented for the future.

‘ I have, Sir, long wished for some such bill : Every one knows how even the administration has been sometimes distressed by the practices of stock-jobbers : They have correspondents settled at all the courts of *Europe*, and upon all occasions of moment they have their expresses, who make much greater dispatch than the government expresses can do, because they are generally much better paid, and better appointed for that purpose.

‘ I must say, Sir, that the late practices in the *East-India* stock, were really something surprising ; there might perhaps be some, who, upon its rise, bought only with a view of selling out again at an advanced price ; but I am persuaded there were

‘ were others who bought even at the highest price,
‘ with an honest intention, and without any other
‘ view but that of holding the stock they bought,
‘ and taking their dividends as they should become
‘ due. The price of that stock, and of every other
‘ stock, must always be according to the value of
‘ money at the time, and the dividend made, or that
‘ may probably be made upon the stock : At that
‘ time our 4 *per cents* were selling at a premium,
‘ even our 3 *per cents* were selling at very near par,
‘ and therefore we must conclude, that according to
‘ the value of money at that time, an annuity of 4 *per*
‘ *cent.* was very well worth 100*l.* principal money.
‘ That company had divided 8 *per cent.* for many
‘ years ; they had but just before paid 200,000*l.*
‘ to the government, for a prolongation of their
‘ term ; and at the same time they had declared,
‘ they were able to do all this, and likewise to pay
‘ off 4 or 500,000*l.* of their bonds, out of the pro-
‘ fits of their trade : From all which, those who
‘ were not in the deepest secrets of their affairs, had
‘ very good reason to conclude, that they would
‘ have been able to have continued the same dividend
‘ for many years to come, and that therefore 100*l.*
‘ *East-India* stock, was a cheap purchase when bought
‘ even for 200*l.* The resolution was soon after ta-
‘ ken for diminishing their dividend, and that was
‘ as natural a reason for the fall of their stock, as
‘ their former declarations had been for its rise.
‘ What were the motives for this management I shall
‘ not pretend to determine ; but I am afraid, that
‘ the game of stock-jobbing is often the cause of ma-
‘ nagements in that, and all other public funds : If
‘ we destroy the cause, the effects must cease, and of
‘ consequence the price of all public stocks will be-
‘ come more certain and fixed, which will, I am sure,
‘ make them more valuable to all honest purchasers.
‘ The fluctuating of the price can be no advantage
‘ to any but brokers, and to those who have a mind
to,

‘ to make indirect advantages by stock-jobbing :
 ‘ Those practises will, I think, be prevented by this
 ‘ bill, consequently it will tend to the improvement
 ‘ of public credit, and therefore I shall be for its
 ‘ passing.’

Lord Harvey's speech.

Lord *Harvey* said, ‘ In the debate now before
 ‘ us, I cannot agree with my honourable friend over
 ‘ the way. I must be of opinion, that if this bill
 ‘ passes, no seller can sue for any difference upon the
 ‘ stock sold, nor can he recover damages, which I
 ‘ take to be the same with difference, unless he has
 ‘ the stock in his possession the whole time of the
 ‘ suit : By this bill every bargain is to be specifically
 ‘ performed, and therefore the seller, as I take it,
 ‘ must sue only for a specifical performance, which
 ‘ no seller can pretend to sue for, unless he is, at all
 ‘ times, during the continuance of the suit, in a con-
 ‘ dition and ready to perform specifically upon his
 ‘ part ; for which end he must always have of that
 ‘ stock which he has sold, at least as much as he is
 ‘ obliged to deliver to the buyer ; and therefore, if
 ‘ a man has sold all the share he has in any public
 ‘ fund, in order to enable him to perform his part
 ‘ of an agreement about something else, if the buyer
 ‘ does not come to take the stock, and pay the price,
 ‘ the seller must subject himself to the penalty of his
 ‘ other agreement, or he must give up all preten-
 ‘ ces for recovering any thing from the buyer of his
 ‘ stock, either by way of difference or damages.
 ‘ This will be a great hardship upon all stock-hold-
 ‘ ers, and as they will, by this bill, be subjected to
 ‘ a great many other inconveniences, and to several
 ‘ dangerous and heavy penalties, I shall therefore be
 ‘ against its passing.’

Sir William Yonge's speech.

Sir *William Yonge*. ‘ Sir, in the case now before
 ‘ us, I take it to be of no consequence, whether or
 ‘ no the seller can recover either difference or dama-
 ‘ ges,

ges; and therefore, whether or no they be in effect the same, is no material question. I am very well convinced, that no circumstances can ever lay a man under the necessity of buying or selling for time; no man can so much as have an inclination that way, unless he be endowed with something of the spirit of gaming, or unless he knows a secret by which he thinks he can make an unjust advantage of the person he sells to, or purchases from; and therefore, Sir, I look upon the putting a final end to this practice, to be one of the principal aims of this bill. I really, Sir, must say, that I have not heard one material objection offered against this bill; and as I was one of those appointed to bring it in, I can say, that all possible care was taken to make the words as plain, and the terms as easy, as were consistent with putting an effectual end to the evils against which the bill was originally proposed. However, as the bill is to go to another place, I do not know but some few words may be added or altered, in order to obviate, as much as possible, all objections that have been, or may be made to the bill.

Sir *John Barnard* again stood up, and said, ‘ Sir, Sir John Barnard's speech. it is very certain that long annuities are included in this bill; they must not be bought or sold hereafter, but according to the manner prescribed by this bill; But I am certain, that can be no objection to the passing of it; for no wise man, no honest man, will presume to sell any thing, till he has made his title to it as clear as the nature of the thing can admit of; and therefore I think, that no possessor of a long annuity will presume to sell till after he has deduced his title, and made it so clear, that no difficulty can be made in approving of it, in which case all such bargains may be specifically performed within ten days after the making thereof; but if any accidental delay should in the mean time happen, the
‘ par-

parties may, by mutual consent, put off the specific performance for what time they please ; there is nothing in this bill that can prevent such a mutual indulgence.

I did not before take notice of the objection made, That this bill, if it passes, may be the occasion of the bringing many suits in equity against the possessors of our public funds. This, I must say, I am surpris'd at ; what guard has any man, as the law now stands, against *Chancery* suits ? May not any man now bring a bill in equity against me, and set forth, that I owe him a large sum of money, tho' I never had any dealings with the man in my life ? Such a bill may certainly be brought, but I know what would be the fate of it ; I know it would be dismissed with costs. This is my dependence, I know I have never done any thing that may render me liable to the having of such a bill brought against me, and therefore I depend on it that no such bill will ever be brought. And would it not be the same if the bill now before us should pass ? Is it to be suppos'd that any man would subject himself to the immediate expence of ten or a dozen pounds, and the danger of being oblig'd to pay twenty or thirty more, unless he had very strong proofs against the man whom he made defendant to his bill ? This, Sir, is really putting cases almost impossible, in order from thence to raise objections against a bill, for the remedy of what is by every gentleman in this house acknowledged to be a most insufferable evil.

Mr. Glanville's 2d speech.

William Glanville, Esq; rose up again, and said, Sir, I must observe, that the possessor of a long annuity, who has a mind to sell, may think his title as clear as the sun at noon-day, and yet when he comes to shew it to the purchaser, he may find several

several objections : In such case it must be laid before the purchaser's counsel, he must examine all the title-deeds, and a conveyance must be drawn up and settled by counsel, both for the seller and buyer, and this will be admitted, I believe, not to be practicable in ten days, so that I must still be of opinion, that the sale of such public securities will, by this bill, be made very dangerous and difficult, if not altogether impossible.

As to bills in equity, it is certain, that no man will ever file such a bill, unless he expects some discovery by the defendant's answer. As the law now stands, no man can expect any discovery from a man with whom he never had any transactions : But by the bill now before us, every man will have some encouragement to expect a discovery of something he may make an advantage of by the defendant's answer, if such defendant ever was a dealer in any of our public funds ; because, if he ever made a contract contrary to the terms of this bill, he will be obliged to discover it by his answer, and tho' he may be thereby discharged from the penalty, yet the other party contracting with him is not ; so that the person who files the bill may thereby make an advantage, either by recovering the money received by the defendant upon an unlawful contract, or by grounding an information upon that answer, for recovering a penalty from the other party concerned in such unlawful contract or composition ; and therefore, I think, it is evident, that if this bill passes, the proprietors of the public funds will be more liable to have bills in equity preferred against them, than any other persons in the kingdom are.

I shall conclude, Sir, with taking notice of one case, where people are often obliged to sell before they can be ready to deliver, and that is in the case of executors and trustees, where the trust stock must generally be sold by a bill in *Chancery*. In
such

such cases, according to the practice now observed, they must sell before they bring their bill, because the purchaser is always made a party to the suit; and every man knows, that a *Chancery* suit cannot be began and ended, and the bargain specifically performed in ten days time.

M. Boote's
speech.

Thomas Boote, Esq; ' Sir, I rise up only to rectify some mistakes that I find gentlemen seem to be in with respect to the present practice of the law. According to the present practice, no man that sells stock is obliged to keep his stock for any time after the day on which he contracted to deliver it: If the buyer do not come on that day to accept the stock, and pay the price he agreed to give for it, the seller makes publication at the books for him to come and accept, and pay for the stock which he is then ready to deliver according to his contract: An actual transfer is made upon the books, and that transfer stands till the shutting up of the books for that day; if, in that time, the buyer do not come to accept of, and pay for the stock so transferred, the transfer is then cancelled, and upon next transfer-day, the seller may sell his stock to whomsoever he pleases, at the current price of that day, and if he sells it at a loss, he has an action upon a breach of covenant against the buyer, upon which action he always recovers the difference by way of damages: The publication and transfer made at the books upon the day agreed on, and proved duly in court, is always taken for a specific performance on the part of the seller, the buyer has no title to come at any time after that day to demand a new specific performance. This is the present practice in all such cases, and I am sure there is nothing in the bill now before us which can alter the present practice in that respect; and therefore I must conclude, that as to this case, no stock-holder can be brought under

‘ under any difficulty or hardship by the bill now
‘ before us.

‘ With respect, Sir, to the long annuities, why
‘ may not they be sold as land-estates generally are ?
‘ In the sale of land-estates, when the seller finds out
‘ one who is willing to be the purchaser, the first
‘ thing he does is to satisfy him about the title, be-
‘ fore they so much as talk about the price, or exa-
‘ mine particularly into the value of the estate to
‘ be sold. If this method be observed with respect
‘ to the sale of long annuities, it cannot be said,
‘ but that the agreement may be specifically per-
‘ formed by both parties within ten days after ma-
‘ king the same.

‘ As to the sale of stock vested in executors or
‘ trustees, there is no necessity of selling it before the
‘ bill in *Chancery* be filed ; there is no necessity of
‘ selling it before a decree passes for that purpose :
‘ It may be suggested in the bill, that such a man
‘ is willing to become a purchaser, and he may be
‘ made a party to the suit, as well as if he had actu-
‘ ally become a purchaser ; the effect would be the
‘ same, and he would get his costs in the one case
‘ as well as in the other.

‘ And as to the stock-holders being exposed to
‘ the danger of having bills in *Chancery* filed fre-
‘ quently against them, there is nothing in it ; no
‘ fair dealer in stocks can ever be exposed to such a
‘ danger, for whoever files such a bill, must set forth
‘ the unlawful contract particularly ; we are not to
‘ imagine, that, from any clause in this bill, a man
‘ will be allowed to bring a bill in equity, and sug-
‘ gest generally that the defendant has made some
‘ unlawful contracts in stocks, and pray that he
‘ may be obliged to discover all his dealings ; no ;
‘ the plaintiff must certainly set forth the particular
‘ contract of which he prays a discovery ; and this
‘ he cannot do, unless there has not only been some
‘ such unlawful contract, but such an unlawful con-
‘ tract

‘ tract as he has had some information of ; and if
 ‘ upon the issue of the cause, his information appears
 ‘ to be groundless, he may expect to be made pay
 ‘ all costs of suit ; so that no man can have reason
 ‘ to be afraid of any such bill’s being filed against
 ‘ him, unless he has actually made some unlawful
 ‘ contract ; and that no such man should rest in se-
 ‘ curity is the very design of this bill.

‘ In short, Sir, from all the objections that have
 ‘ been started, and all the cases that have been put,
 ‘ I can see nothing but pretended or imaginary dif-
 ‘ ficulties ; and as the bill now before us will, in
 ‘ my opinion, put an end to many real evils, which
 ‘ are of the most dangerous consequence both to the
 ‘ trade and credit of this nation, therefore I shall
 ‘ with all my heart be for its passing in this house,
 ‘ and I hope it will be passed into a law.’

Division.

Joseph Danvers, Esq; spoke next against the bill’s passing, and then the question was put for its passing, which was upon a division carried in the affirmative, 55 against 49.

It was accordingly sent up to the house of Lords, where it met with so many amendments, that, upon its return, it was intirely dropt.

Charitable
 corporation
 affair.

On *Friday* the 4th of *May*, the house of Commons (according to order) resolved itself into a committee of the whole house, to consider of methods for the relief of such of the sufferers in the charitable corporation, as were objects of compassion.

Motion.

As soon as the speaker had left the chair, and the chairman of the committee had taken his place at the table, the Lord *Tyrconnel* rose up, and after a short, but moving speech in favour of those poor sufferers, he made a motion for the house to come to a resolution, That the relief to be given to such of the sufferers in the charitable corporation, as were objects of compassion, should be by way of lottery,
 for

for a sum not exceeding one million. *Samuel Sandys* spoke next, and said, That he was of opinion, that, by the order of the house for going into that committee, they had no power to come to any such resolution ; in support of which he gave several reasons, and was answered by Sir *William Yonge*. After him *Gyles Earle* spoke to this effect, viz.

‘ Sir, I am very much for giving all the relief we
 ‘ can to such as are objects of charity, but I am as
 ‘ much against doing it by way of lottery ; for by
 ‘ such a method, in order to relieve those who have
 ‘ been cheated and undone, we shall give a handle,
 ‘ by which a much greater number of weak and
 ‘ simple persons may be undone.’ Mr. Earle's
speech.

Thomas Palmer, Esq; ‘ I always was, Sir, and
 ‘ always shall be against lotteries, of whatever kind,
 ‘ or on whatever occasion ; and therefore I cannot
 ‘ but be against the proposition now made to us.
 ‘ I shall be glad to see those poor, unhappy people re-
 ‘ lieved, and I hope that some effectual methods may
 ‘ be fallen on for operating that relief ; but do not let
 ‘ us think of giving them relief by setting up what
 ‘ has been always deemed a public nuisance ; I be-
 ‘ lieve it will be a better way for us to grant a sum
 ‘ of money to the crown, for the relief of those of
 ‘ the sufferers who are really objects of compassion :
 ‘ This method I mention only to the committee ;
 ‘ but, whatever relief is to be granted, I think it
 ‘ ought to be very much confined, for as to all those
 ‘ who shall appear to have been gamesters in that
 ‘ stock, they no more merit the compassion of the
 ‘ public, than those who are undone at a gaming-
 ‘ table. I doubt much if any of the men who be-
 ‘ came adventurers in that corporation, deserve much
 ‘ compassion ; I am afraid, that most of them pur-
 ‘ chased, either with a view of making an unjust
 ‘ profit by the advanced price of the shares they
 ‘ bought’ Mr. Palmer's
speech.

‘ bought, or with a view to have higher interest for
 ‘ their money, than what they were by law intitled
 ‘ to, and in either case they are almost as fraudulent
 ‘ as those who were the managers ; for he that cheats,
 ‘ or extorts from a man a shilling, is as much guilty
 ‘ of fraud, as he that cheats him out of 1000 l. In-
 ‘ deed, as to the ladies, a great many of them may
 ‘ have been innocently drawn in by those to whom
 ‘ they intrusted the management of their affairs, or
 ‘ by those who, from the beginning, had a formed
 ‘ design of cheating them of their money : Their
 ‘ case is really to be pitied ; but in my opinion, of
 ‘ all the sufferers, they only are the proper objects
 ‘ of compassion, and therefore I hope, that what-
 ‘ ever relief is to be given, will be confined to the
 ‘ fair sex only.

Lord Tyrcon-
 nel's speech.

Lord Tyrconnel. ‘ I have, Sir, as great a regard
 ‘ for the fair sex as the gentleman who spoke last,
 ‘ and with him I think, that they are really the great-
 ‘ est objects of compassion ; but, Sir, let us consider,
 ‘ that many of those gentlemen, who have been un-
 ‘ done, have wives and daughters ; and I cannot but
 ‘ look upon the wives and daughters of such men to
 ‘ be at least as great objects of compassion, as any
 ‘ of those ladies who have been undone by their own
 ‘ act and deed.

Sir Charles
 Wager's
 speech.

Sir Charles Wager. ‘ I must think, Sir, that the
 ‘ only means we can think of, for relieving the un-
 ‘ happy sufferers in that corporation, is to make a
 ‘ lottery for their benefit ; but I must likewise be
 ‘ of opinion, that a lottery of a million will be too
 ‘ large ; I believe one of 500,000 l. may be suffi-
 ‘ cient, and therefore I shall second the motion to
 ‘ the amount of that sum.

Master

Master of the Rolls. ‘ Sir, before we think of ^{Sir Joseph Jekyll's speech.} granting any money to the crown, or of granting money in any other way, for the relief of those sufferers, we ought first to consider, whether or no we have any power or authority to tax the people, or to grant away the public money, for the relief of any private persons. I must really be of opinion that we have no such power; we are indeed to dispose of the public money, but then we are to dispose of it for public uses; we are not to convert it either to our own use, or to the use of any private person: ’Tis true, we have sometimes granted money to the King for the rewarding of private persons, but such grants have always been made for some services rendered by those persons to the public; and therefore, what money was in that way granted, was really for the use of the public. Even the raising of money by a lottery is raising money upon the people, and if any part of the money so raised is granted away to private persons, I must look upon it to be a converting the public money to the use of private persons, which I think we have no power to do; and upon that account, as well as on account of the many inconveniences that attend lotteries, I must be against the motion.’

Thomas Winnington, Esq; ‘ Sir, I have always ^{Mr. Winnington's speech.} had a great regard for the opinion of the honourable and learned gentleman who spoke last, but I hope he will excuse me, if I say that I do not think the objections he has now made against the proposition in hand, are near so strong as those usually made by him. As to our power of granting money for the relief in question, I do not know what power we may have in that respect, but I am sure there are several instances where we have granted even a public tax for the relief of private persons. One such instance, Sir, is within my knowledge,

‘ and is so late, that every gentleman in this house
‘ may remember it ; that is, the case of the suitors
‘ in *Chancery*, whose money had been lost by the
‘ mis-conduct of the late Lord Chancellor, and the
‘ then Masters in *Chancery* : It is well known that
‘ this house laid a tax upon the law, which I take
‘ to be a tax upon the people, because the whole is
‘ paid by the clients in that court, and not by the
‘ lawyers ; and the money to arise by this tax was
‘ appropriated towards making good the loss which
‘ the suitors in that court had sustained. Another
‘ instance of the same nature is that tax which was
‘ granted for relief of the orphans within the city
‘ of *London* ; and I believe several other instances
‘ could be given, if we were to examine the journals
‘ of this house.

‘ However, Sir, I do not take this to be the que-
‘ stion now before us. It is not proposed to impose
‘ any tax, or to grant any money to the crown for
‘ the relief of those unhappy sufferers ; for I cannot
‘ imagine how it can be thought, that the granting
‘ a lottery is either a tax or an imposition upon the
‘ public. By granting a lottery we do not oblige
‘ any man to pay towards it, no man is to be forced
‘ to become an adventurer ; it is really not so much
‘ a grant of money, as it is a repeal in so far of an
‘ act of Parliament lately made against private lot-
‘ teries ; for, if it were not for that statute, the cha-
‘ ritable corporation could of themselves set up such
‘ a lottery as is now proposed : And as the making
‘ of that law was occasioned by the many frauds that
‘ were committed by the means of private lotteries,
‘ and the downright bites that were often put upon
‘ people under that name, the cause intirely cea-
‘ ses with respect to the lottery now proposed,
‘ from which no fraud or bite can be so much as
‘ suspected.

Sir

Sir William Wyndham. ‘ Sir, As to the affair *Sir William Wyndham's speech.*
 ‘ before us, I am afraid we are beginning at the
 ‘ wrong end. We are now in a committee to con-
 ‘ sider of ways and means for relieving such of the
 ‘ sufferers in the charitable corporation, as shall be
 ‘ deemed objects of compassion, and we are now
 ‘ going to resolve upon a certain sum to be appro-
 ‘ priated for that relief, before we know any thing
 ‘ about the sufferers; whether there be any, or how
 ‘ many of them may be objects of compassion; or
 ‘ what sum will be necessary for giving them a pro-
 ‘ per relief? All these questions ought, I think, to
 ‘ be resolved, before we proceed to grant any sum
 ‘ for that purpose, either by way of lottery, or any
 ‘ other way. I am, Sir, firmly of opinion, that we
 ‘ have no power to lay on any public imposition
 ‘ for the relief of private persons; and to think of
 ‘ giving relief by way of lottery, is to establish by
 ‘ law a new deceit for the relief of those who have
 ‘ suffered by an old one. As to our having it in our
 ‘ power to relieve private persons by public taxes,
 ‘ the instances mentioned by the honourable gentle-
 ‘ man who spoke last, are not at all to the present
 ‘ case. The suitors in Chancery were in a very dif-
 ‘ ferent situation from those we are now about to re-
 ‘ lieve: The court of Chancery is one of the public
 ‘ courts of the kingdom, and consequently is the
 ‘ same with the public; whatever money was put
 ‘ into the custody of that court, was put into the
 ‘ custody of the public, and if any of it was pur-
 ‘ loined by those officers who are appointed by the
 ‘ public, there is no question but that the public is
 ‘ obliged to make it good: Besides, those who had
 ‘ their money in that court did not voluntarily put
 ‘ it there; they were all obliged, contrary to their
 ‘ inclination, to leave it in that court; they could
 ‘ not get it out again without an order of court for
 ‘ that purpose; they could not so much as inquire

‘ in what manner their money was disposed of :
‘ Whereas, with respect to the sufferers in the cha-
‘ ritable corporation, they have no pretence of ha-
‘ ving trusted the public with their money ; they
‘ voluntarily put their money there ; they might
‘ have taken it out when they would, and they
‘ might have every day inquired into the manage-
‘ ment of it ; so that what they have lost is intirely
‘ owing to their own act and deed, or at least to
‘ their own neglect ; they have nothing but compas-
‘ sion to plead for granting them any relief from the
‘ public, and I am afraid, if we consider the public
‘ aright, and the loads it already labours under, we
‘ must conclude it is not in a proper condition for
‘ granting such large charities. That other instance,
‘ Sir, relating to the tax for relieving the orphans
‘ of the city of *London*, is still less to the present
‘ case ; it is a local tax ; it extends no farther than
‘ the city of *London*, and it was most reasonable,
‘ that the citizens of *London* should be obliged
‘ to make good the loss that was sustained by per-
‘ sons who were under a necessity of trusting their
‘ money to them, or at least to the officers appoint-
‘ ed by them.

‘ Now as to lotteries, Sir, the honourable gen-
‘ tleman mistakes it, if he imagines, that the frauds
‘ committed in private lotteries was the only reason
‘ for prohibiting by an exprefs law the setting up
‘ of any such. Every lottery, public or private, is
‘ a public nuisance, because it makes a great many
‘ poor unthinking people ruin themselves, by ven-
‘ turing more money in that way than their circum-
‘ stances can admit of ; and, as all lotteries are a
‘ sort of gaming tables, they give great encourage-
‘ ment to idleness and extravagance, by buoying up
‘ weak people with the hopes of getting riches in
‘ another way than that of industry and frugality,
‘ which is the only way of getting riches that ought
‘ to be encouraged by a wise people ; therefore,
‘ Sir,

‘ Sir, the cause of the law does not cease with re-
 ‘ spect to the lottery now proposed, but will, I be-
 ‘ lieve, grow more strong against it than against any
 ‘ public lottery that ever was proposed ; for confi-
 ‘ dering the expences of management it is certain
 ‘ that the corporation, or the sufferers therein, can
 ‘ make little or nothing by a lottery, unless it be
 ‘ made so disadvantageous to the adventurers, that
 ‘ no man but a madman will put any money into it,
 ‘ and if such a lottery should fill, it would be a very
 ‘ powerful argument against this and every such lot-
 ‘ tery that can be proposed, for it is really granting
 ‘ a licence by act of Parliament to cheat people out
 ‘ of their money, which is a sort of project for rai-
 ‘ sing money that this house will never, I hope, a-
 ‘ gree to in any case whatever.

Lord *Hervy*. ‘ There is, in my opinion, no Lord Her-
vey's speech
 ‘ possible relief can be given to those unfortunate
 ‘ people, but what must be attended with some in-
 ‘ conveniences. I am in general as much against
 ‘ encouraging lotteries as any gentleman in this
 ‘ house ; but where no real fraud is committed, I
 ‘ cannot think that a lottery is a thing of so bad
 ‘ consequence ; where the money thereby raised is
 ‘ duly applied, and no underhand dealings allowed
 ‘ to be put in practice, which, to be sure, will be
 ‘ taken care of in the present case, it cannot be at-
 ‘ tended with many inconveniences ; and as a lottery
 ‘ is the only method which I have yet heard men-
 ‘ tioned, or can think of, for giving relief to those
 ‘ objects of compassion we have now under our con-
 ‘ sideration, I have so much pity upon them, that I
 ‘ think the few inconveniences, that can attend such
 ‘ a small lottery as that of 500,000 *l.* ought in the
 ‘ present case to be overlooked.

‘ Upon the petition of the proprietors of this cor-
 ‘ poration we have all had two things under our con-
 ‘ sideration. The first was that of doing justice by

‘ punishing the guilty ; in this we have gone on as
‘ we ought to do in all such cases ; we have pro-
‘ ceeded with the utmost caution ; because, if we
‘ had been rigorous in that point, we might readi-
‘ ly have deviated into severity, which in all cases
‘ ought to be carefully avoided ; but as to the o-
‘ ther point, which is that of giving relief to the
‘ unfortunate sufferers, and which is the point now
‘ before us, there is no need of so great caution : If
‘ in this we should go a little too far, it is erring up-
‘ on the safe side ; the greatest fault we can be guil-
‘ ty of, is that of shewing too much compassion and
‘ pity for those innocent persons, who have by the
‘ frauds of others become proper objects of compassion.
‘ It cannot, I think, be said, that we are begin-
‘ ning at the wrong end, by voting for a 500,000 *l.*
‘ lottery, before we know the number of sufferers
‘ that are objects of compassion, or the sum that will
‘ be wanted for giving them a proper relief ; be-
‘ cause, Sir, we are not now to settle the scheme of
‘ the lottery ; before that is settled, there will be
‘ time to inquire into what sum will be necessary for
‘ giving such relief, and according as that sum is,
‘ large or small, the lottery may be made the more
‘ or the less advantageous for the adventurers : If
‘ 100,000 *l.* should be found to be necessary for re-
‘ lieving all those of the sufferers, who are really ob-
‘ jects of compassion, there must be a fifth part of
‘ the money contributed by the adventurers sunk for
‘ the use of the sufferers, and, if it should be found,
‘ that half that sum will be sufficient for the end pro-
‘ posed, then it will not be necessary to sink above
‘ a tenth part of the money contributed by the ad-
‘ venturers, and whatsoever is thus sunk by the ad-
‘ venturers, is not really to be looked on as money
‘ thrown away, it is to be looked on as so much
‘ money given by them for a charitable use ; and
‘ the raising of this charity by way of lottery, is pro-
‘ posed only as an inducement for some people to
‘ con-

‘ contribute towards a charitable use, who would not
 ‘ perhaps otherwise contribute to the most charitable
 ‘ use that can be imagined.’

Master of the Rolls. ‘ I am, Sir, very much
 ‘ convinced, and I find it is generally allowed, that ^{Sir Joseph Jekyll's 2d speech.}
 ‘ a lottery is in itself a bad thing, and, I think it is
 ‘ likewise allowed, that there is no reason for our
 ‘ coming into such a measure at present, but only the
 ‘ necessity we are under, and because no other means
 ‘ of relief can be thought of. There is no sort of
 ‘ lottery can be set up, but what must expose multi-
 ‘ tudes of people to be undone, and it is impossible
 ‘ to prevent several of those fraudulent practices
 ‘ which are always set up under the sanction of eve-
 ‘ ry public lottery. If then a lottery be in itself a
 ‘ bad thing, surely the less we have of it the better;
 ‘ why should we vote for a lottery of 500,000 *l.* if
 ‘ one of 250,000 *l.* will do the business? This con-
 ‘ sideration alone makes it, Sir, in my opinion, ne-
 ‘ cessary first to consider who are objects of compas-
 ‘ sion, and what sum will be sufficient to relieve
 ‘ them; for if upon such inquiry it be found that a
 ‘ lottery of 250,000 *l.* will be sufficient for the end
 ‘ proposed, it would certainly be very wrong in us to
 ‘ vote a lottery of 500,000 *l.* for we seem all to be
 ‘ convinced, that a lottery for any sum will do mis-
 ‘ chief, but a lottery for a small sum can never do
 ‘ so much mischief as one for a large sum.

George Heathcote, Esq; ‘ Sir, I must confess that ^{Mr. Heathcote's speech.}
 ‘ what is now proposed seems to be a new method of
 ‘ raising charity, but I hope the charitable disposi-
 ‘ tion of the people of this nation is not as yet so
 ‘ much decayed, as to make it necessary to trick them
 ‘ into the giving of charity; when they are fully
 ‘ convinced, that the use for which the money is rai-
 ‘ sed, is really charitable. In such cases I have ne-
 ‘ ver as yet observed the people backward in their
 ‘ contri-

‘ contributions ; I am, indeed, afraid that the ob-
‘ jects of charity now under our consideration, would
‘ not meet with any great relief from the people ;
‘ for the generality of the people do think, that
‘ those who are undone by any sort of gaming
‘ or stock-jobbing, are not proper objects of chari-
‘ ty. Those who are ruined by shipwrecks, by fire,
‘ or such accidents, are certainly much greater ob-
‘ jects of charity, and more intitled to a Parliamen-
‘ tary relief than those who ever were, or ever can be
‘ undone by the mismanagement of any public stock
‘ whatever, because every proprietor may look into
‘ the affairs of the company, and may prevent the
‘ mismanagement, if he is but tolerably careful of
‘ his own interest ; and yet we have never seen any
‘ of the former so much as claim a relief from Par-
‘ liament.

‘ I must observe, Sir, that what we are now about
‘ may come to be a very bad precedent ; it will for
‘ the future make all proprietors of public funds less
‘ careful of their directors and managers ; so that I
‘ am afraid, we may have many applications of the
‘ same nature. There is now a company under our
‘ consideration, which will likewise, I believe, stand
‘ in need of the same sort of relief ; and I do not
‘ know, but that in nine or ten years, another great
‘ company may find themselves under a necessity of
‘ applying for something of the same nature, espe-
‘ cially if they should go on with their present scheme
‘ of diminishing so considerably their trading capital,
‘ and loading it with all the debts they now owe.
‘ For these reasons, Sir, as well as a great many o-
‘ thers, I cannot but be against the motion now in
‘ hand.

Besides the speakers before-mentioned in favour of
the lottery, the following gentlemen spoke likewise
for it, viz. *John Cornwallis, Esq;* *Francis Whit-*
worth, Esq; and *John Neale, Esq;* Then a motion
was

was made for the chairman's leaving the chair, which was seconded by *Walter Plummer*, Esq; whereupon the question was put, but upon a division it was carried in the negative 85 to 61 ; after which the committee went on, and came to several resolutions, which being reported upon *Tuesday* the 8th day of *May* were agreed to, and the house thereon ordered a bill to be brought in, which was accordingly brought in and passed into a law.

As soon as this report was over, and a bill, in pursuance of the resolutions, ordered in, Mr. Chancellor of the *Exchequer* acquainted the house, That he had a message from his Majesty to the house, signed by his Majesty ; and he delivered the same to the Speaker, who read it to the house ; which message was as follows, *viz.*

GEORGE R.

‘ His Majesty having received from the Prince of
 ‘ *Orange*, proposals for a treaty of marriage between
 ‘ the Princess Royal and the said Prince, and his
 ‘ Majesty having been pleased favourably to accept
 ‘ the instances made by the Prince, his Highness has
 ‘ sent over a minister, instructed and authorised
 ‘ with full powers to treat of and conclude the arti-
 ‘ cles of marriage : His Majesty has therefore
 ‘ thought it proper to communicate this important
 ‘ affair to this house ; and as he makes no doubt but
 ‘ this marriage will be to the general satisfaction
 ‘ of all his good subjects, he promises himself the
 ‘ concurrence and assistance of this house, in ena-
 ‘ bling him to give such a portion to his eldest
 ‘ daughter, as shall be suitable to the present oc-
 ‘ casion, and may contribute towards supporting
 ‘ with honour and dignity an alliance, that will tend
 ‘ so much to the farther security of the Protestant suc-
 ‘ cession to the crown of these realms, and to the
 ‘ Protestant interest in *Europe*.’

A message
 from the
 King con-
 cerning the
 marriage of
 the Princess
 Royal.

Where-

Whereupon the house immediately resolved upon an address to his Majesty, which was the same day drawn up by a committee appointed for that purpose, and approved of by the house, and was as follows, viz.

Most gracious Sovereign,

The house
of Commons
address.

‘ **W** E your Majesty’s most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, return your Majesty our most dutiful thanks, for being graciously pleased to communicate to us your royal intentions, of concluding a marriage between the Princess royal and the Prince of *Orange*.

‘ The happy prospect of seeing this alliance entered into and concluded with a Prince, whose family has always distinguished itself in support of the Protestant Religion, and in defence of the liberties of *Europe*, gives us the greatest satisfaction: We remember, with gratitude, the great and infinite benefits procured to this nation by that illustrious house; and we cannot but promise ourselves a farther security to the Protestant succession to the crown of these realms, from the renewal of that union, which gave birth to, and laid the foundation of this inestimable blessing.

‘ And we beg leave to assure your Majesty, that, to demonstrate our duty, zeal and affection to your Majesty, and to testify the just sense we have of the singular merits and eminent virtues of the Princess royal, we will enable your Majesty to give her such a portion, as may conduce to her future happiness, and to the supporting her Royal Highness with honour and dignity.’

This address was next day presented to his Majesty by the whole house, and on the 10th, Mr. Speaker reported his Majesty’s answer, which was thus;

‘ Gen

Gentlemen,

‘ I give you my thanks for this new instance of
 ‘ your duty and affection. Nothing can be more ^{His Majesty's answer.}
 ‘ acceptable to me than your great readiness in com-
 ‘ plying with this demand, and the personal regard
 ‘ you have shewn to me and my family.’

The house having, upon the 9th, resolved itself into a committee of the whole house, to take his Majesty's most gracious answer into consideration, and having therein come to the following resolution, *viz.* That out of the money then remaining in the receipt of the *Exchequer*, arisen by sale of lands in the island of *St. Christopher's*, his Majesty be enabled to apply the sum of 80,000 *l.* for the marriage portion of the Princess royal: The same was next day reported and agreed to by the house, and it was ordered, That it should be an instruction to the gentlemen, who were appointed to prepare and bring in a bill, pursuant to the resolution of the house, of the 26th day of *February* last, (that towards raising the supply granted to his Majesty, there should be issued and applied the sum of 500,000 *l.* out of such monies as had arisen from the surplusses, excesses, or overplus monies, commonly called the sinking fund, over and above what had been applied to the payment of one million towards discharging the national debt, pursuant to an act of the last session of Parliament) that they should prepare and insert a clause therein, pursuant to this resolution.

Upon the same day, *viz.* on *Thursday* the 10th day of *May*, a very extraordinary affair happened in the house, and of consequence they came thereupon to a very extraordinary resolution: The affair was this: A memorial of the council, and representatives of the province of the *Massachusetts Bay*, was presented to the house and read, laying before the house the difficulties and distresses they laboured under, arising

New-England memorial.

rising from a royal instruction given to the then present governor of the said province, in relation to the issuing and disposing of the public money of the said province, and moving the house to allow their agent to be heard by counsel upon that affair; representing also the difficulties they were under, from a royal instruction given, as aforesaid, restraining the emission of bills of credit; and concluding with a petition, that the house would take their case into consideration, and become intercessors for them with his Majesty, that he would be graciously pleased to withdraw the said instructions, as contrary to their charter, and tending in their own nature to distress, if not ruin them.

After some little debate, the house, it seems, thought it unnecessary to inquire into this affair, but came to the following resolution, *viz.*

Resolved,

‘ That the complaint, contained in this memorial
‘ and petition, is frivolous and groundless, an high
‘ insult upon his Majesty’s government, and tending
‘ to shake off the dependency of the said colony upon
‘ this kingdom, to which by law and right they are
‘ and ought to be subject.’

Whereupon it was ordered, that the said petition should be rejected. We shall leave to future ages to make remarks upon this resolution; but it seems not much to encourage complaints to Parliament from any of our colonies in the *West-Indies*.

Immediately after this petition was rejected, a most just complaint was made to the house, by colonel *Bladen*, of the proceedings of the house of representatives of the said province of *Massachusetts Bay* against *Jeremiah Dunbar*, Esq; and the censure passed upon him by the said representatives in the months of *December* and *January* last, for giving evidence in the session of Parliament preceding the then last,
be-

before a committee of the house, to whom the a then depending in the house, for the better securing and encouraging the trade of his Majesty's sugar colonies in *America*, was committed; and a paper printed at *Boston* in *New England*, intituled, *Votes of the house of representatives*, being offered to the house, the same was brought up to the table, and several paragraphs therein were read, in which the aforementioned proceedings against the said *Jeremiah Dunbar*, and the said censure passed upon him, were contained: Whereupon it was resolved, *nemine contradicente*, That the presuming to call any person to account, or to pass a censure upon him, for evidence given by such person before that house, or any committee thereof, was an audacious proceeding, and an high violation of the privileges of that house; and it was ordered, That a committee should be appointed to inquire, who were the authors and abettors of the proceedings against *Jeremiah Dunbar*, Esq; in the house of representatives of the *Massachusetts Bay*, in the months of *December* and *January* last past, at *Boston* in *New England*, on account of evidence given by the said *Jeremiah Dunbar* before a committee of the house, in the year 1730; and a committee was appointed accordingly, and that all that came should have voices; and also, that they should have power to send for persons, papers, and records. But we do not hear that this committee ever made any report, for the delinquents, it seems, and the place of delinquency were at such a distance, that they could hardly have had a return from thence, if they had begun to sit the very first day of the session of Parliament; and we believe, that a committee appointed in one session cannot well make a report in any following session, nor can a session of Parliament found any resolutions or orders upon inquiries made, or examinations taken by any committee of a former session, or even by the house itself, without an act of Parliament for that purpose.

South Sea
affair in the
house of
Lords.

The house of Lords having ordered the sugar colony bill to be committed on *Thursday* the 3d of *May*; before the house resolved itself into that committee, the right honourable the Lord *Bathurst* stood up, and spoke to the following effect, *viz.*

Lord Ba-
thurst's
speech.

‘ My Lords, I have a small motion which I intend to make to this house, and therefore I shall take the opportunity to make it before your Lordships enter upon the business of the day. I do not know, my Lords, but that something relating to the *South-Sea* company may speedily come before your Lordships, and as in such cases we ought always to be well prepared, and fully instructed, by having all proper papers laid before us, therefore I will take the liberty to move to your Lordships, that the directors of the *South-Sea* company may be ordered to lay before this house, an account how the produce of the forfeited estates of the directors of that company, in the year 1720, has been disposed of, and all the orders made in the general courts of that company, relating to the disposal thereof.

‘ This account, my Lords, I now move for, that the present directors of that company may have time to prepare it, that so the business of the house may not be retarded by the want of such an account, in case, upon any emergency, we should have occasion for it. In looking over the papers upon our table, I find there is an account lying there of the total amount of those forfeited estates; which account was laid before this house, in pursuance of a clause in an act of Parliament, by the trustees appointed by the same act of Parliament, for collecting those estates for the benefit of the company; and accordingly, after the most of those estates were collected, the trustees were ordered, by other acts, to deliver over the produce of the said estates to the directors of that company, in order

‘ der to be divided by them among the proprietors,
 ‘ according to the rules prescribed by those acts.
 ‘ This account, therefore, being already upon our
 ‘ table, as a charge against the trustees and the di-
 ‘ rectors of that company, and as we have as yet seen
 ‘ no account of discharge in relation to that money,
 ‘ I think it is necessary, it is even incumbent upon
 ‘ your Lordships to call for the same, in order that
 ‘ you may see, and that the rest of the nation may,
 ‘ by your means, be satisfied, that the terms of the
 ‘ act of Parliament have been punctually complied
 ‘ with.’

This motion was seconded by the Earl of *Chester-*
field; and the Lord *Delawar*, who then sat as Speaker
 of the house, in the absence of the Lord Chancellor,
 having repeated the motion, in order to put the
 question upon it, the Duke of *Newcastle* got up and
 spoke in substance as follows:

‘ My Lords, I did not well hear this motion when
 ‘ it was first made by the noble Lord, but now that Duke of
Newcastle's
speech.
 ‘ I have heard it repeated, I must say, that I cannot
 ‘ find out any reason your Lordships have for calling
 ‘ for the account now moved for, at least at this
 ‘ time: There is at present nothing before us rela-
 ‘ ting to that company, nor do I know of any thing
 ‘ that is to be laid before us; there is not, I am sure,
 ‘ any Lord in this house that can know of any bill
 ‘ to be brought before us any way relating to the
 ‘ affairs of that company, at least there is no Lord
 ‘ that can know of such a bill, in a way proper for
 ‘ grounding such a motion upon. If there really
 ‘ be any such bill, it is, I think, time enough to
 ‘ call for such an account when the bill is actually
 ‘ brought before us; and the pretence made use of
 ‘ for moving at this time for such an account, I can
 ‘ see no ground for; because if any such bill be
 ‘ brought before us, the directors of that company

‘ will always have time enough to prepare and bring
 ‘ in the account now moved for, between the first
 ‘ and second reading of the bill; and therefore, my
 ‘ Lords, till I see some such bill brought into this
 ‘ house, I shall be against making any such order as
 ‘ is now mov’d for.’

Lord Bathurst again.

Lord Bathurst. ‘ When I made this motion, my
 ‘ Lords, I hardly expected it would have been op-
 ‘ posed, but since I find it is like to be so, I must
 ‘ beg leave to give my reasons for my motion a lit-
 ‘ tle more at large. As to the account I have now
 ‘ moved for, I think your Lordships have not only
 ‘ good reason, but it is your duty to call for it, whe-
 ‘ ther there be any bill relating to that company to
 ‘ come before us or no. I told you, that I was the
 ‘ other day so far in my duty as to be looking over
 ‘ and considering the papers upon our table, which
 ‘ is a duty I have, I must confess, too often neglec-
 ‘ ted; among those papers I found an account of a
 ‘ very large sum of money received by the trustees,
 ‘ out of the estates of the directors of the *South-Sea*
 ‘ company, in the year 1720: Upon seeing that ac-
 ‘ count, I began to examine a little farther into that
 ‘ affair, and I found that that account was laid be-
 ‘ fore us in pursuance of the directions given by an
 ‘ act passed in the year 1721, by which those trus-
 ‘ tees were appointed to give a particular account in
 ‘ writing to the King, and to either house of Parlia-
 ‘ ment, of the effects of their proceedings: And by
 ‘ two acts since the bringing in of that account, I
 ‘ find, that the trustees are directed to deliver over to
 ‘ the directors of the *South-Sea* company the produce
 ‘ of those estates, to be by them distributed among
 ‘ the proprietors, according to the directions of those
 ‘ acts.

‘ Now, my Lords, I hope there is no Lord in
 ‘ this house who imagines, that we are, in any case,
 ‘ to see only one side of an account; are we, my

‘ Lords,

‘ Lords, to see people charge themselves with the
‘ receipt of two or three millions of money in trust
‘ for the proprietors of the *South-Sea* company, and
‘ to take no care or concern farther about it ?
‘ Surely the very nature of the thing requires, that
‘ we should see them discharge themselves honestly
‘ and fairly of that money, which they have, by an
‘ account now upon our table, charged themselves
‘ with,

‘ This we have not only a title, but we are in
‘ duty bound to inquire into : We have, my Lords,
‘ a right to inquire into the management and dis-
‘ posal of all public monies, and we are at present
‘ the more obliged to exercise this right, because of
‘ the many enormous frauds which have been lately
‘ discovered in the management of the affairs of
‘ such companies. I do remember, my Lords, that
‘ a noble Lord, for whom I have always had a very
‘ great esteem, said last year in this house, most
‘ justly and most emphatically, that if we did not take
‘ care to put a stop to such enormous abuses, our
‘ credit would intirely sink among our neighbours
‘ abroad ; foreigners would look upon the whole
‘ nation to be a perfect den of thieves. Even as to
‘ the company now under our consideration, there
‘ have been many and loud complaints of frauds and
‘ abuses in the management of their affairs ; which
‘ public complaints, if there were no other reason,
‘ ought to be an inducement for us to inquire into
‘ the late management of their affairs. Upon such
‘ inquiry I hope these complaints will appear to be
‘ groundless ; but it is certain that the people cannot
‘ be satisfied without making a narrow scrutiny, at
‘ least into that part of their affairs, which the mo-
‘ tion I have now made relates to. We cannot,
‘ my Lords, discharge our duty to our country with-
‘ out making such an inquiry ; and now that I have
‘ made the motion, I hope it will be agreed to ; for
‘ if it should not, I dread the consequences ; the put-
‘ ting

‘ting a negative upon such a question, would cer-
 ‘tainly injure the public credit of the nation among
 ‘foreigners; it might probably be the cause of their
 ‘drawing all their money out of our funds at once,
 ‘which would give such a shock both to the trade
 ‘and the credit of this nation, that I tremble to
 ‘think of it.’

Earl of Scar-
 borough's
 speech.

Earl of *Scarborough*. ‘My Lords, I am much
 ‘obliged to the noble Lord who spoke last, for the
 ‘good opinion he has expressed of me. It is very
 ‘true, I remember it well, that last session of Par-
 ‘liament I said, upon a remarkable occasion, that
 ‘foreigners would look upon us as a den of thieves,
 ‘if proper care were not taken to see the affairs of
 ‘our public companies more honestly manag’d than
 ‘they have been for some time: I am still, my
 ‘Lords, of the same opinion, and as I think there
 ‘is no more effectual way of making the managers
 ‘of such companies honest, than that of frequent
 ‘parliamentary inquiries into their conduct, there-
 ‘fore I have always been for encouraging such in-
 ‘quiries, and I shall never be against a proposition
 ‘for any such, when it is reasonably offered by any
 ‘Lord in this house: But in the present case, my
 ‘Lords, the noble Lord, who made the motion,
 ‘has not only a great deal of reason for what he
 ‘proposes, but, in my opinion, it is absolutely ne-
 ‘cessary for us to agree to the proposition he has
 ‘made; for though there were no complaints against
 ‘the late management of that company’s affairs, yet
 ‘the disposal of that money, which is now mov’d to
 ‘be inquired into, seems to have been so directly
 ‘put under our care, that we cannot in honour shun
 ‘making an exact inquiry into it; and if there is
 ‘any reason for delaying the inquiry, it certainly
 ‘ought to come from the trustees, or from the di-
 ‘rectors of that company, it cannot come properly
 ‘from any Lord in this house; when such excuse
 ‘comes

‘ comes to be made to us, we may then judge, whether it is a good one or not; but that can be no reason for our delaying to order the account now moved for to be laid before us.’

Earl of *Illy*. ‘ It has always been my opinion,^{Earl of Illy's speech.} my Lords, that when any unexpected motion is made by any Lord in this house, it ought not to be immediately debated or agreed to, the debate ought to be adjourned, and a day appointed for taking the motion into consideration, that thereby every Lord may have an opportunity of being fully apprised of the question about which he is to give his opinion; for when long and complicated motions, such as what we are now on, are made to the house, it is impossible to understand all the parts of them, and to consider fully the consequences with which they may be attended, without having some little time allow'd for that purpose.

‘ For my own part, my Lords, I never shall be against inquiries, when there appears any foundation for the making of such: It is certain that the inquiry strictly into the management of affairs of any kind, is the most proper, I may say the only way of making the managers diligent and faithful in the discharge of their duty; but as the making of no inquiry might be attended with very bad consequences, so the making of too frequent or groundless inquiries might be attended with full as bad, if not worse: The making of too frequent or groundless inquiries into the management of our public funds, would make people's properties in such funds so precarious, and would keep them always in so fluctuating a condition, that no man would like to have any property or share in them; and therefore, for preserving public credit both at home and abroad, a medium ought to be observ'd between the two extremes. We are not, whenever it shall please any Lord in this house, to move for

‘ an inquiry into the affairs of any of our public
 ‘ companies, we are not, I say, my Lords, to agree
 ‘ immediately with the motion: We ought first to
 ‘ examine, whether there be any grounds for such an
 ‘ inquiry, and what may be the consequences of it,
 ‘ and after the most mature deliberation we ought
 ‘ then to give our opinions, and to agree with the
 ‘ motion or disagree, as we see cause. Shall we, my
 ‘ Lords, without any cause or reason for so doing,
 ‘ except that of its being moved for, give the ma-
 ‘ nagers and servants of a public company the trou-
 ‘ ble, and put them to the expence of attending for
 ‘ months together at this house; of bringing their
 ‘ books of account, their vouchers and other papers
 ‘ before us, and thereby put a full stop to the busi-
 ‘ ness of that company for perhaps a quarter of a
 ‘ year at a time: Such a piece of complaisance is not
 ‘ to be expected by any Lord in this house, instead
 ‘ of supporting, it would most certainly ruin all
 ‘ manner of public credit whatsoever.

‘ As to the inquiry now moved for, I do not
 ‘ know, my Lords, but that it may be necessary; I
 ‘ do not know but that there may be very sufficient
 ‘ reasons for our calling immediately for such an
 ‘ account, but I cannot so quickly determine myself
 ‘ either one way or the other: It is an affair that has
 ‘ so long lain over, and at the same time it is an af-
 ‘ fair of such consequence, that I do not think any
 ‘ of your Lordships ought to determine yourselves
 ‘ off-hand. All those who have not before consi-
 ‘ dered this question ought to have some time al-
 ‘ lowed them for that purpose, and therefore, my
 ‘ Lords, I shall move that the debate upon the mo-
 ‘ tion now made, may be adjourned only till to-mor-
 ‘ row: This, my Lords, is so short a delay, that I
 ‘ hope none of your Lordships will be against it.’

Earl of Chesh-
 terfield's
 speech.

Earl of Chesterfield. ‘ My Lords, if the motion
 ‘ now made to us, had been for an inquiry into the
 ‘ affairs

‘ affairs of the *South-Sea* company, it might per-
‘ haps have required some time to consider of it; or
‘ if the question was complicated, some time might
‘ be necessary; but, my Lords, the motion now made
‘ to us is not for any such inquiry; it is no compli-
‘ cated question, it is as plain, as simple a question
‘ as ever came before this house. We have had
‘ several years ago an account laid before us, by
‘ which some gentlemen have charged themselves
‘ with the receipt of a very large sum of money for
‘ a public use; those gentlemen have since been di-
‘ rected by act of Parliament to apply that money
‘ to the proper use, and the question now before us
‘ is only, that those gentlemen may bring in their
‘ account of discharge. The noble Lord who made
‘ the motion did not, at first, so much as mention
‘ the inquiry, and that account when it comes in,
‘ will, I hope, be so full, so plain, and so satisfac-
‘ tory, that, I hope, it will prevent an inquiry, if
‘ any such thing was really designed; but since we
‘ have had the account of charge laid before us, it
‘ is surely incumbent upon us to call for the account
‘ of discharge; we are certainly in duty bound to
‘ see the trustees and the directors of that company
‘ discharge themselves of that large sum, with the
‘ receipt of which they have long ago charged
‘ themselves by an account laid before us.

‘ This, my Lords, is our duty, and shall we re-
‘ quire time to consider whether or no we ought to
‘ do our duty? I hope no Lord in this house will
‘ insist upon having so much as one hour to consi-
‘ der of such a question. The calling for that ac-
‘ count has already been too long delayed; the affair
‘ has lain dormant too long, and therefore, I hope,
‘ your Lordships will not want any time to consider
‘ whether or no you are now to do that which ought
‘ to have been done some time ago.’

Duke of
Newcastle
again.

Duke of *Newcastle*. ‘ My Lords, I must beg
‘ leave to think, that the very argument which the
‘ noble Lord who spoke last has made use of for
‘ our not taking time to consider of this question, is
‘ a strong argument for our taking some time to
‘ consider of it. It is now, my Lords, ten or twelve
‘ years since that affair happened, which the present
‘ question relates to, and no inquiry having been
‘ made into it in all that time, is, in my opinion, a
‘ very good reason for not agreeing now to enter
‘ upon such an inquiry, without taking some time to
‘ refresh our memories, and to consider of what we
‘ are going about. The noble Lords may call the
‘ motion now made to us by what name they please,
‘ they may call it a motion for an inquiry or not,
‘ as they think proper; but the calling for an ac-
‘ count is certainly the beginning, at least, of an in-
‘ quiry: When that account comes in, it is to be
‘ supposed, that your Lordships will then inquire,
‘ at least, into that affair which the account relates
‘ to.

‘ If there were no other reason, I should, my
‘ Lords, be for delaying it, at least, till to-morrow,
‘ out of regard to the Lords who now happen not
‘ to be present: A question of such consequence
‘ ought not to be agreed to without giving every
‘ Lord, at least, an opportunity of being present,
‘ and of giving his opinion upon it. There is at
‘ present no necessity for our being so speedy in our
‘ determination. There may, perhaps, be some
‘ complaints against the management of that com-
‘ pany’s affairs; but there are none laid, as yet, be-
‘ fore us. Neither the company nor any of the
‘ proprietors have come to us with any complaint,
‘ and surely we are not to proceed upon general sur-
‘ mises: Our proceedings ought always to be found-
‘ ed upon good information, and upon complaints
‘ from those who are some way or another interested
‘ in what they complain of. Therefore, my Lords,

‘ as

‘ as a delay of four-and-twenty hours can be attend-
‘ ed with no bad consequence, but upon the contrary
‘ will evince to the world, that in all affairs we pro-
‘ ceed with the utmost caution and deliberation, I
‘ shall be for adjourning the debate till to-morrow,
‘ according to the motion made by the noble Lord
‘ for that purpose.’

Lord *Carteret*. ‘ My Lords, the noble Duke Lord Carteret's speech.
‘ seems to mistake the affair now before us; he
‘ seems to think that it has for a long time lain over,
‘ without ever having been moved in, or inquired
‘ after by your Lordships, and that therefore, we
‘ ought not now so much as begin to inquire into it
‘ without the most deliberate and serious considera-
‘ tion; but, my Lords, I must beg leave to shew,
‘ that the affair has not lain over so long as that no-
‘ ble Duke imagines. It is very far from having
‘ lain over ten or twelve years, as may appear from
‘ the acts of Parliament made relating thereto. I
‘ must desire the 58th and 59th sections of the act
‘ of the 7th of his late Majesty, intituled, *An Act for*
‘ *raising money upon the estates of the late directors.*---
‘ to be read, (which being read, his Lordship went
‘ on to the effect as follows, *viz.*) Now, my Lords,
‘ by a mistake in that act, the produce of those for-
‘ feited estates was to be appropriated to the use of
‘ the *South-Sea* company, and applied thereunto, for
‘ increasing their capital stock, which could not pos-
‘ sibly be done; for as their stock can consist of no-
‘ thing but the debt due to them by the public,
‘ their stock could not be increased, without increa-
‘ sing the debt of the public, and consequently the
‘ annuity due to them from the public; which could
‘ not have been done, unless the whole produce of
‘ those estates had been paid in to the public by way
‘ of a new loan, and this was no way the intention
‘ of that act. In the 13th of his late Majesty, the
‘ trustees appointed by that act, brought into this
‘ house

‘ house an account of the produce of the estates and
‘ effects of the said late directors, as by the said act
‘ they were directed to do, and the said mistake
‘ having been discovered, a new act was then made
‘ for amending the former; but even that new act
‘ was found not to be sufficient, and therefore a new
‘ application was made to Parliament for an ex-
‘ planation of that act, which last application was
‘ made only in the first year of his present Maje-
‘ sty, and consequently but five years ago; and
‘ after that matter was thus fully explained by
‘ Parliament, it was necessary to allow the direc-
‘ tors some time to apply the said produce accord-
‘ ing to the directions of the several laws made for
‘ that purpose. I hope they have by this time ap-
‘ plied it accordingly; but it appears that the affair
‘ is so far from having lain over, or from having
‘ been neglected by your Lordships, that I do not see
‘ how we could have call’d for this account sooner.

‘ This affair therefore cannot but be fresh in
‘ every Lord’s memory, and the motion now made
‘ seems to me to be a motion of course; for by the
‘ act of the 7th of the late King, the trustees were
‘ directed to lay before your Lordships an account of
‘ the produce of those forfeited estates; they accord-
‘ ingly did so; but, I hope, my Lords, it is not to
‘ be imagined that your Lordships are to go no far-
‘ ther: Are not you in consequence to see that this
‘ produce has been duly and regularly applied, and
‘ actually distributed among the proprietors of that
‘ company, according to the directions of the acts
‘ of the 13th of his late Majesty, and the first of
‘ his present Majesty? The thing is in itself so clear,
‘ that I wonder to hear any Lord ask for time to
‘ consider of it. Are we, my Lords, to ask for
‘ time to consider, whether we shall do that which
‘ was certainly intended by those laws we should do?
‘ It is no inquiry into the affairs of the *South Sea*
‘ company; it is only calling for an account of dis-
‘ charge,

‘ charge to answer that account of charge which is
‘ now upon our table.

‘ In matters of importance and intricacy I shall
‘ always be for proceeding with deliberation, and
‘ for taking time to consider before we come to any
‘ resolution ; but, my Lords, to deliberate upon, and
‘ to take time to consider about an affair which all
‘ the world must see is an affair of course, is incon-
‘ sistent with the honour and dignity of this house,
‘ and therefore, I shall be against taking any time
‘ to consider of this motion, or adjourning the de-
‘ bate for that purpose.’

Earl of *Illy*. ‘ I now find that those Lords, who Earl of Illy's
speech.
‘ at present seem to be of the other side of the que-
‘ stion, have consider’d this affair before this motion
‘ was made : They have mention’d several laws re-
‘ lating to it, and seem to be so well acquainted with
‘ the several clauses of them, that I must beg leave
‘ to think, that they have lately had this affair un-
‘ der their consideration, and have perused the se-
‘ veral laws they have now mentioned. Now, my
‘ Lords, as I have not lately considered any of those
‘ laws, as I never have considered them with a view
‘ to the question now before us, therefore I desire
‘ only till to-morrow to look over those acts of Par-
‘ liament which have been mentioned, that I may
‘ be upon an equal footing with those Lords who
‘ seem to be for agreeing with this motion. I have
‘ a very great regard for their opinion, and it is very
‘ probable that I shall to-morrow be of the same
‘ opinion with them ; but in all matters of impor-
‘ tance every Lord ought to examine by himself the
‘ affair about which he is to give his opinion, and
‘ after he has fully satisfied himself about the affair
‘ in hand, he ought then to vote for that which ap-
‘ pears to him to be right : This is the method, my
‘ Lords, which I shall always observe ; and when
‘ any thing comes before this house, that I am not
‘ fully

‘ fully satisfied about, I shall never be ashamed to
‘ ask some short delay, that I may have time to
‘ examine the affair to the bottom, before I give my
‘ opinion either upon one side of the question or the
‘ other.

‘ As I have said, my Lords, I shall never be
‘ against any inquiries of this nature, when I can see
‘ but the least ground for them at the time they are
‘ proposed; but if such inquiries be precipitately
‘ gone into, I do not know where they may end,
‘ I do not know what fatal consequences may be
‘ thereby produced. There are in this nation,
‘ my Lords, several other companies, besides the
‘ *South-Sea* company; we have likewise an *East-*
‘ *India* company, and it is well known that that
‘ company has been, for these twenty years, repre-
‘ sented by some people as a bankrupt company, yet
‘ I believe they always have been, and are still in
‘ very good circumstances. There have likewise
‘ been great complaints, and many insinuations
‘ thrown out against the management of the Bank:
‘ Surely, my Lords, we are not, upon every sugges-
‘ tion within doors, or upon every idle and ground-
‘ less clamour without doors, to expose the trade and
‘ credit of any one of our great companies to the
‘ whole world; such a manner of proceeding might
‘ expose both the trade and the credit of every one
‘ of our companies to innumerable difficulties and
‘ dangers. In all trading companies, as well as in
‘ the trade of private men, there are some trans-
‘ actions which, tho’ exactly honest and just, ought
‘ not to be exposed to public view, because strangers
‘ might thereby be let into the mysteries of their
‘ trade, by which they would be enabled to under-
‘ mine them, and to disappoint even their best con-
‘ certed projects; for which reason, my Lords, I
‘ shall always be of opinion, that no such inquiry
‘ ought to be set on foot, without some more solid
‘ foundation, than that of an idle clamour: No such
‘ inquiry

‘ inquiry ought ever to be resolved on by this house
 ‘ without the most mature deliberation.’

Lord *Carteret*. ‘ My Lords, what is now moved Lord Carteret's speech.
 ‘ for is no inquiry ; it has already been so fully ex-
 ‘ plained, that it cannot in any sense be taken to be
 ‘ an inquiry into the affairs of that company. But,
 ‘ my Lords, if an inquiry had been moved for, I
 ‘ should have asked for no time to consider, whether
 ‘ or no I ought to have agreed to it. The com-
 ‘ plaints and clamours against the late management
 ‘ of the affairs of that company have been so loud
 ‘ and so general, that I think we are, in justice to
 ‘ the nation, in justice even to the gentlemen who
 ‘ have been concerned in the management of that
 ‘ company's affairs, obliged to inquire into their af-
 ‘ fairs: If upon such inquiry it comes out, as I hope
 ‘ it will, that their affairs have been honestly and
 ‘ carefully managed, it will be a vindication of the
 ‘ characters of those gentlemen who have been con-
 ‘ cerned ; and if the contrary should appear, the
 ‘ sooner we go into that inquiry, the more speedy
 ‘ justice will be done to the injured, and many evil
 ‘ consequences may be prevented. Why should we,
 ‘ my Lords, shew such a tenderness, and such a con-
 ‘ cern for the characters of some gentlemen ? Why
 ‘ should we be so cautious of making any inquiry
 ‘ into their management ? I must think that we
 ‘ thereby do them no great honour ; it betokens a
 ‘ jealousy, that the inquiry will explain and confirm
 ‘ what has been so generally surmised.

‘ The late clamours against the management
 ‘ of that company's affairs are no idle clamours :
 ‘ They seem to be better founded than I could
 ‘ wish. Do not we all know, my Lords, is it not
 ‘ publicly and certainly known, that the proprie-
 ‘ tors of that company have lately had above six
 ‘ *per cent.* of their capital annihilated for the pay-
 ‘ ment of a part only of their debts ? Could it have
 ‘ been

‘ been imagined, that the company had had so much
‘ debt, more than their money and effects in trade
‘ could have answered? It can hardly be thought,
‘ that that debt has been all contracted since the
‘ year 1721; and if it was contracted before that
‘ time, it was a crime to conceal it from Parlia-
‘ ment; for if it had then been known, the Parlia-
‘ ment would certainly have expressly order’d the
‘ produce of the directors estates, as well as the stock
‘ then undisposed of, to have been applied towards
‘ payment of the debts of the company, instead of
‘ ordering them to be divided among the proprie-
‘ tors. This was the only proper way of applying
‘ both, in case the company had any debt at that
‘ time: And if the debt has been all contracted
‘ since that time, the public is intitled, and we have
‘ reason to inquire how it came to be so. The
‘ debts of every one of our companies ought to be
‘ publicly known. Do we not know that their debt
‘ is by law a mortgage upon their stock, and the
‘ concealing of that debt is a fraud upon every igno-
‘ rant person who becomes a purchaser after the con-
‘ tracting of their debt? It is as much a fraud upon
‘ such a purchaser, as it would be to sell a mortga-
‘ ged estate, without acquainting the purchaser that
‘ there was such a mortgage upon it.

‘ As to the *East-India* company, my Lords, I wish
‘ an inquiry had been made into their affairs when
‘ they last applied to this house for a prolongation
‘ of their term: It was then that we ought to have
‘ made an inquiry; it is true, we then neglected
‘ it, but I hope such an inquiry was made by those
‘ concerned in the administration; it was their duty
‘ to do so before they agreed to the bargain that
‘ was then made with the directors of that compa-
‘ ny; if they did not, I shall always look upon such
‘ a neglect in them as a crime of a very high na-
‘ ture. I can see no evil consequence of letting, at
‘ least,

‘ least, the general circumstances of a company be
‘ publicly known : I am sure, that as to the *East-*
‘ *India* company, it would have prevented some
‘ very odd practices which have been lately made
‘ use of : The directors, or perhaps some few of the
‘ directors of that company, were probably the on-
‘ ly persons that were, for half a year together, in the
‘ secret of that company’s not being in a condition
‘ to continue their former dividend ; such a secret
‘ was sufficient for any man, or for any small num-
‘ ber of men to plunder their fellow-subjects at plea-
‘ sure, and to make to themselves what estates they
‘ had a mind. We know that there were but a few
‘ men in this secret, and that at a time when the world
‘ generally believed, when methods were actually
‘ taken to make all mankind believe, that that com-
‘ pany was in the most flourishing state, and that
‘ they would have been able to have continued their
‘ dividend of 8 *per cent.* for many years. By these
‘ methods, my Lords, we saw how that stock was
‘ run up to a very high price, we saw how it fell
‘ down again almost 50 *per cent.* in three months
‘ time, by which management we may believe that
‘ millions were lost and won ; we may judge who
‘ were the winners ; they perhaps were but few in
‘ number, but we may certainly conclude, that ma-
‘ ny innocent persons were thereby undone. And
‘ while such practices are so publicly and so openly
‘ carried on, shall we sit in this house and see them
‘ pass unpunished : But, my Lords, this is not the
‘ question now before us : The only question now
‘ before us is, whether or no we shall call for an ac-
‘ count of discharge as to a particular affair, in or-
‘ der to answer the account of charge, which was
‘ some years ago laid upon our table in pursuance of
‘ an act of Parliament : Surely this is a question
‘ that requires no time to consider of, and therefore
‘ I shall be against adjourning the debate.

Viscount
Falmouth's
speech.

Lord Viscount *Falmouth*. 'I am, my Lords,
' inclined to be for adjourning the debate till to-
' morrow, but when I tell your Lordships my rea-
' son, I hope you will not think that I am against
' any inquiry into the affairs of the *South-Sea* com-
' pany ; for I am so much convinced of the neces-
' sity and benefit of such inquiries, and of the pro-
' priety of the motion now made to us, that, I hope,
' no Lord in this house will, after due consideration,
' be against it, and therefore I wish it were put off
' till to-morrow, in order that it may then be una-
' nimously agreed to.

Division.

Besides the Speakers already mentioned, the Earl of *Winchelsea*, and the Earl of *Strafford* spoke for the motion, and against adjourning. At last the question for adjourning the debate till next day was put, and it passed in the negative 35 against 31 ; after which the question was put, to agree to the motion or not, which was carried in the affirmative without any division ; and accordingly the directors of the *South-Sea* company were ordered to lay the said account, &c. before them.

As this was a question of great moment, we shall give our readers a list of the Lords who voted upon each side of the question.

<i>Against adjourning, and consequently for the mo- tion.</i>	<i>For adjourning, and con- sequently against the mo- tion.</i>
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Dukes of Bolton,
Bridgwater,
Kent,
Montrose,
St Albans.

Dukes of Ancafter,
Devonshire,
Newcastle,
Rutland.

Marquis

*For the Motion,**Against the Motion.*

Marquis of Tweeddale.	Earls of Albemarle,
Earls of Berkshire.	Ashburnham,
Buchan,	Cowper,
Chesterfield,	Crawford,
Coventry,	Dunmore,
Fitzwalter,	Hallifax,
Ker,	Jersey,
Macclesfield,	Ilay,
Marchmont,	Morton,
Northampton,	Selkirk,
Pomfret,	Wilmington,
Roths,	
Scarborough,	
Shaftsbury,	
Stair,	
Strafford,	
Thanet,	
Warrington,	
Viscounts, Cobham,	Viscounts, Lonsdale,
Falmouth,	Torrington.
Tadcaster,	
Barons, Bathurst,	Barons, Abergavenny,
Bruce,	Byron,
Carteret,	Delawar,
Clinton,	Harrington,
Cornwallis,	Hobart,
Foley,	Lovel,
Gower,	Lynn,
Haversham.	Walpole.
Bishop of Lincoln.	Bishop of London, and
	five more.

This account was accordingly brought in, and the same was ordered to be taken into consideration on *Thursday* the 24th of *May*. On which day, as soon as the order was read, the Lord *Bathurst* stood up, but

The account
taken into
considera-
tion.

but the Duke of *Newcastle* standing up about the same time, the Lord Chancellor pointed to the Duke of *Newcastle*, and the Lord *Bathurst* not offering to sit down, the Lord *Carteret* stood up, and said, that, if there was any dispute which Lord was to speak, the Lord Chancellor was not to determine the question, but the opinion of the house was to be asked upon it; as for his part, he was sure the noble Lord by him was up some time before the noble Duke.

Lord Bathurst's
speech.

Then the Lord *Bathurst* said, ' My Lords, I desire to speak to order. When any Lord makes a motion upon which there follows any order or resolution of this house, and a day is appointed for taking that order or resolution into consideration, it has always been the custom of this house, out of complaisance to the Lord who made the motion, to hear him first, because it is to be expected that he has something to say, or some farther motion to make in consequence, or in explanation of the motion he had before made; therefore, my Lords, as I had the honour to move for the account you are now to take under your consideration, I think I have now a title to be first heard, even tho' I had not been first up.'

Upon this the Duke of *Newcastle* sat down, and then the Lord *Bathurst* went on to the effect as follows.

' I had, my Lords, the honour to move for the account now before us, and your Lordships were so good as to comply with my desire. The intention of my motion was, that your Lordships might see that the produce of the directors estates in the year 1720, had been regularly and fairly applied, according to the directions of the several laws for that purpose made; and from the account brought in, and now under our consideration, I think, it
' most

‘ most plainly appears, that not so much as one shil-
 ‘ ling of that money has been so applied. To me
 ‘ it appears from that account, that the large sum of
 ‘ money arising from those forfeited estates, had been
 ‘ all distributed among the proprietors by way of di-
 ‘ vidend, even before the application was made to
 ‘ Parliament, in the 13th year of his late Majesty’s
 ‘ reign, for directions how to apply it; and there-
 ‘ fore, my Lords, I must take the liberty to move
 ‘ to your Lordships, that it may be resolved,
 ‘ That the disposing of any of that money by way
 ‘ of dividend, and without any order or direction of
 ‘ a general court for that purpose, was a violation of
 ‘ the act of Parliament made for directing the dispo-
 ‘ sal thereof, and a manifest injustice done to pro-
 ‘ prietors of that stock.

Duke of *Newcastle*. ‘ My Lords, it is my opi-
 ‘ nion that a narrow scrutiny into the affair now be-
 ‘ fore us is absolutely necessary: This, my Lords,
 ‘ I am now so firmly persuaded of, especially since
 ‘ the bringing in the account now under our confi-
 ‘ deration, that no man can be more heartily incli-
 ‘ ned to enter into such scrutiny than I am; but this
 ‘ account, which the present directors have laid be-
 ‘ fore us is so confused, and so obscure, that to me
 ‘ it is altogether unintelligible: I do believe there is
 ‘ not a Lord in this house who will say that he tho-
 ‘ roughly understands it; and therefore I do not
 ‘ think that it can be a proper foundation for the
 ‘ motion the noble Lord has been pleased to make,
 ‘ or for any other motion. An inquiry into the dis-
 ‘ posal of the produce of the forfeited estates of the
 ‘ directors in the year 1720, is certainly a very
 ‘ proper inquiry for this house; but then, my Lords,
 ‘ for the honour and dignity of the house, we ought
 ‘ not to proceed upon any such inquiry till we have
 ‘ all proper materials before us; and therefore, I
 ‘ hope your Lordships will agree with me in the mo-

Duke of
Newcastle’s
 speech.

‘ tion I am to make, before you proceed any farther
 ‘ in this affair.

‘ The present directors of that company have in-
 ‘ deed given us an account, but that account is so
 ‘ imperfect and so indistinct, that it cannot be look-
 ‘ ed on as any sort of compliance with your Lord-
 ‘ ship’s late order. What may have been their rea-
 ‘ sons for giving us such an account I shall not de-
 ‘ termine, but if it was either to conceal the crimes
 ‘ of the guilty, or to load the innocent with jealou-
 ‘ sies and suspicions, I hope in either case, your
 ‘ Lordships will enforce your own orders, and oblige
 ‘ them to clear up what appears to be obscure in the
 ‘ account they have already given in. It is incum-
 ‘ bent upon us, my Lords, always to see our own
 ‘ orders punctually obeyed, but especially when they
 ‘ relate to the discovering of those that are guilty, or
 ‘ to the vindication of those that are unjustly suspect-
 ‘ ed of crimes : This surely is the next step your
 ‘ Lordships ought to take in this affair ; and there-
 ‘ fore I shall move, That the present directors of that
 ‘ company may be ordered to lay before this house
 ‘ a farther and more distinct account how that mo-
 ‘ ney has been disposed of.

Earl of *Che-*
stersfield’s
speech.

Earl of *Chestersfield.* ‘ I am glad, my Lords, to
 ‘ see the effect that the bringing in of this account,
 ‘ obscure as it is, has produced. I find that some
 ‘ Lords, who at first seemed to want no informa-
 ‘ tion in this affair, who at first appeared to be a-
 ‘ gainst any such inquiry, are now for making a tho-
 ‘ rough inquiry into that whole affair, and are for
 ‘ having a full information of every particular cir-
 ‘ cumstance relating to the disposal of that money. I
 ‘ am, my Lords, of the same opinion, and therefore
 ‘ I look upon the motion made by the noble Duke
 ‘ to be a very proper motion : I shall most heartily
 ‘ join with him in that motion ; but then, my Lords,
 ‘ I think it is time enough to come to that motion,
 ‘ after

‘ after the motion made by the noble Lord is agreed
 ‘ to ; the noble Duke’s motion ought to be the con-
 ‘ cluding motion of this day. The account laid be-
 ‘ fore us is, it is true, obscure and indistinct, but
 ‘ let us make as much of it as we can before we ask
 ‘ for any farther account. Even this obscure account
 ‘ is sufficient to raise a suspicion in every lord of this
 ‘ house, that the produce of those directors estates
 ‘ has not been disposed of according to the directi-
 ‘ ons of the act of Parliament made for that pur-
 ‘ pose, and therefore I must think, that we have
 ‘ from thence sufficient ground for the resolution first
 ‘ moved for. We may then examine this account a
 ‘ little farther, and at last we may come to the mo-
 ‘ tion made by the noble Duke, and may then give
 ‘ such particular orders and directions relating to
 ‘ the several articles which we want to have cleared
 ‘ up, that the present directors may know how, and
 ‘ will be necessarily obliged to lay a clear and distinct
 ‘ account of that whole affair before us, if any such
 ‘ can be had. I shall therefore be for the mo-
 ‘ tion made by the noble Lord, and at last I will join
 ‘ with the noble Duke in the motion he has made.

Earl of *Scarborough*. My Lords, as to the mo-
 ‘ tion made by the noble Duke, I shall join in it
 ‘ with all my heart, as soon as I think it is proper
 ‘ for us to come to such a motion, or to make such
 ‘ an order. I do not doubt but that the noble
 ‘ Duke who made the motion, is most zealous in
 ‘ the affair now before us ; his Grace has declared so,
 ‘ and therefore I make no manner of doubt of it,
 ‘ because I am fully convinced of the honour and
 ‘ integrity of that noble Duke ; he never did pro-
 ‘ fess any thing but what was his real sentiments,
 ‘ and I am persuaded the motion he has made pro-
 ‘ ceeds from a sincere and an ardent desire of coming
 ‘ at the bottom of the affair now before us. I am
 ‘ always sorry when I differ in the least from him ;

Earl of *Scar-*
borough’s
 speech.

‘ but in the present case my opinion happens to be
‘ different ; I do not think that what he proposes
‘ ought to be the first step we are next to take
‘ in the affair before us. As to this, my Lords,
‘ I am at present of a different opinion, and tho’ I
‘ may, and shall always be ready to change my opi-
‘ nion upon a better information ; yet my opinion,
‘ while it is my opinion, I will not give up even to
‘ him for whom I have the greatest regard and
‘ esteem.

‘ As we have, my Lords, already an account be-
‘ fore us, it is my opinion that we ought to examine
‘ that account before we order any farther account
‘ to be laid before us. If there is any thing obscure
‘ in the account we now have before us ; the gentle-
‘ man who signs it is attending at the door, and if
‘ your Lordships call him in, and examine him,
‘ he may perhaps be able to give you a farther
‘ light into the matter in hand ; he may be able to
‘ explain all or most of the articles that appear to
‘ be obscure in the account now under your confi-
‘ deration ; and if, at last, there shall remain an
‘ obscurity in the account before you, your Lord-
‘ ships may then make a new order for the directors
‘ to bring in a farther, a more clear and distinct ac-
‘ count : You will then, and not till then, be able
‘ to give such particular orders as to the several arti-
‘ cles that remain obscure, as cannot be misunder-
‘ stood by the directors. We have, my Lords, by
‘ our former order, called for an account how that
‘ money was disposed of ; and if we should only re-
‘ new that order without adding some new and par-
‘ ticular directions, the second account may, and
‘ probably will be more obscure than the first ; and
‘ therefore, my Lords, that we may be able to give
‘ such particular directions as may be easily under-
‘ stood by the directors, I must move for calling in
‘ Mr. *De Golz*, and examining him as to the several
‘ articles of this account.

The Duke of *Newcastle* got up again, and thank-^{Duke of Newcastle again.}
 ed the noble Lord who had spoke last, for the good
 opinion he had expressed of him, ‘ That noble Lord,
 ‘ (says his Grace) cannot have a better opinion of
 ‘ me than I have of him : There is no man more
 ‘ fully convinced of that noble Lord’s honour and
 ‘ sincerity than I am, because there is no man, I be-
 ‘ lieve, knows him better.’ Then he spoke a little
 to the question in hand, and after him

Lord *Carteret* stood up and spoke to this effect.^{Lord Carteret’s speech.}
 ‘ My Lords, I shall readily join with the noble Duke
 ‘ in the motion he has made, as soon as it is proper
 ‘ for this house to go upon that motion. It must
 ‘ be confessed, that the account now before us is a
 ‘ very imperfect and indistinct account ; whether this
 ‘ be the effect of neglect or design I shall not deter-
 ‘ mine, but I must say, my Lords, wherever I see
 ‘ an obscurity in accounts, I am apt to suspect some
 ‘ indirect practices ; however, notwithstanding the
 ‘ obscurity of the account now under our considera-
 ‘ tion, as to some other parts, it cannot be said that
 ‘ it is obscure as to that part to which the motion
 ‘ made by the noble Lord refers. It must be grant-
 ‘ ed it has not, I think, been so much as denied by
 ‘ any Lord in this house, but that the disposing of
 ‘ that money by way of dividend among the pro-
 ‘ prietors, without any orders or directions of a ge-
 ‘ neral court for that purpose, was a violation of the
 ‘ act of Parliament, and a manifest injustice done to
 ‘ the company : And it is plain that, in the account
 ‘ now before us, there does not appear any order or
 ‘ direction for the disposal of that money : There
 ‘ appears to us nothing but an order for the trustees
 ‘ to deliver that money over to the directors ; and
 ‘ for this reason we ought now to declare our opinion
 ‘ as to this matter, that the present directors, in the
 ‘ making up of a new account, may be sufficiently
 ‘ instructed as to that article, and that they may be

‘ directed to report clearly to us, whether or no there
‘ was any order of a general court for the disposal
‘ of that money ; if there was any proper order for
‘ that purpose, our coming to a resolution, accord-
‘ ing to the noble Lord’s motion, can affect no
‘ man ; and if there never was any such order,
‘ those who disposed of that money otherwise, do
‘ deserve, and I hope will meet with a much higher
‘ censure.

‘ For the sake of the honour and dignity of this
‘ house, we ought, my Lords, immediately to come
‘ to some very strong resolutions in the affair now
‘ before us ; the giving in of such an account seems
‘ to be a trifling with this house, and if your Lord-
‘ ships now refuse, or even delay doing any thing
‘ farther in this affair, till you have a new account
‘ given in, it will be thought to be a throwing of
‘ cold water upon the inquiry now before us. Your
‘ Lordships may declare what you please, as to your
‘ willingness to enter upon an inquiry into this affair,
‘ but the putting it off without coming to any resolu-
‘ tion till you have a new account from the directors,
‘ will without doors be looked on as waving of the
‘ inquiry proposed ; and this opinion will the more
‘ readily, and the more generally prevail, because it
‘ is now so near the end of the session, that this new
‘ account can hardly be expected to be brought in
‘ during this session of Parliament.

‘ By the account now before us it appears, that
‘ upwards of 2,000,000 *l.* sterling money was paid
‘ and delivered by the trustees to the directors of
‘ that company in the year 1729 ; and it likewise
‘ appears, that it was never brought to the compa-
‘ ny’s account till the year 1732. For God’s sake,
‘ my Lords, what became of that great sum of mo-
‘ ney during that long interval, the very interest of it
‘ in that time amounts to above 100,000 *l.* which is a
‘ sum that company itself would certainly have look-
‘ ed after, if they had not been either very negligent
‘ of

' of their own affairs, or under an influence to which
 ' I shall not give the name it deserves; but what-
 ' ever may be the case, as to the company, we ought
 ' to consider the widows and the fatherless infants,
 ' who have no vote at their general courts, and for
 ' the sake of those we ought to inquire, what became
 ' of this money for so considerable a time: As to
 ' this and all the other articles of this account, the
 ' gentleman who signs it, and who is now attending
 ' at our door, can without doubt fully inform us, and
 ' therefore I shall join with the noble Lord by me, in
 ' the motion he has made, for having him called in
 ' and examined.'

Earl of *Illy*. ' My Lords, since your Lordships <sup>Earl of *Illy*'s
 ' seem to be all of opinion, that the account laid be- ^{speech.}
 ' fore us by the present directors of the *South Sea*
 ' company, in pursuance of our late order, is a very
 ' indistinct account, I think the first thing you ought
 ' to do is, to see your order as fully complied with
 ' as possible. By your Lordships former order, the
 ' directors were ordered to lay before you all the or-
 ' ders of general courts, made for directing the dis-
 ' posal of that money, and I find they have given
 ' us no account of any order relating to that affair,
 ' but of one only, which, for what I know, may be
 ' all the orders they have to shew, but they ought,
 ' at least, to have told us so: If there is any other
 ' order relating to the disposal of that money, it
 ' ought to be laid before us, and if there are none
 ' other, we ought certainly to be assured of it in a
 ' proper way, before we proceed any farther in this
 ' affair: Till we have from the directors all the in-
 ' formation we can possibly get, it will be irregular
 ' to come to any resolution, or to call any witness to
 ' be examined at the bar; and in every affair that
 ' comes before this house, I hope your Lordships
 ' will always be careful of doing nothing but what is
 ' regu-</sup>

‘ regular and just, without any regard to what may
 ‘ be said without doors.

‘ From the account before us it indeed appears,
 ‘ that the money was paid in by the trustees to the
 ‘ directors in the year 1729, and that it was not
 ‘ brought to the company’s account till the year
 ‘ 1732; and I do not know but that Mr. *De Golz*,
 ‘ who signs this account, and who is now attending
 ‘ at your door, may be able to inform you as to
 ‘ what became of that money in the interim. But,
 ‘ my Lords, it is not from Mr. *De Golz* that we
 ‘ want an account, it is from the directors of that
 ‘ company that we ought to be inform’d of all these
 ‘ matters; and after the directors have told us, that
 ‘ they can give us no farther information, we may
 ‘ then examine them, we may examine their servants,
 ‘ we may examine whatever witnesses we think pro-
 ‘ per at the bar of this house, as to the truth of the
 ‘ several articles of the accounts given in by the di-
 ‘ rectors, and likewise as to the clearing up and ex-
 ‘ plaining such articles as may, at last, remain ob-
 ‘ scure.

‘ As to any Lord’s having at first appear’d against
 ‘ calling for the account now under our considera-
 ‘ tion, I do not know that any Lord did appear
 ‘ against it: When the first motion was made relating
 ‘ to this affair, it appeared to be a motion of such
 ‘ consequence, that several Lords were desirous of
 ‘ some time to consider of it; but it is not from
 ‘ thence to be inferred, that they were against call-
 ‘ ing for any such account: They desired only till
 ‘ next day to consider of it; their asking for such a
 ‘ short time was a proof of their not being against it,
 ‘ and if they had got that time, they would, I be-
 ‘ lieve, have been as much for it as those Lords were,
 ‘ who had considered of the affair before the motion
 ‘ was made. The event, my Lords, shews, that
 ‘ they were in the right in asking for some time to

‘ con-

‘ consider it ; for if the affair had been better confi-
‘ dered at first, our order would perhaps have been
‘ made more particular, and then the return to it
‘ would, in all probability, have been more distinct
‘ and clear : We should then have been able to have
‘ proceeded without any loss of time ; but as the case
‘ now stands, I think it would be very irregular to
‘ proceed to the making of resolutions, or to examine
‘ witnesses, till we have the matter farther cleared
‘ up ; and therefore I shall be for putting the previ-
‘ ous question, as to the motion made by the noble
‘ Lord ; and if that passes in the negative, as I hope
‘ it will, I shall be for agreeing with the motion made
‘ by the noble Duke.’

Besides the Lords I have already mentioned, the Duke of *Montrose*, the Marquis of *Tweeddale*, the Earl of *Winchelsea*, and the Earl of *Marchmont* spoke for calling in Mr. *De Golz* ; and the Earl of *Cholmondeley*, the Lord *Delawar*, the Lord *Lovel*, the Lord *King*, and the Bishop of *Bangor* spoke against it. The previous question was then going to be put, as to Lord *Bathurst*’s motion, but the Lord *Carteret* got up and spoke to order ; ‘ That as Mr. *De Golz*
‘ was then attending at the door, by virtue of their
‘ Lordships order, and a noble Lord having mov’d
‘ for calling him in, he thought that according to
‘ the rules of proceeding in that house, the question
‘ that ought to be first put was, Whether or no
‘ Mr. *De Golz* should be called in ? And that it was
‘ certainly proper he should be examined, before
‘ they proceeded even to make an order for bringing
‘ in a farther account, for that they would thereby
‘ be enabled to give much more particular and di-
‘ stinct directions, how that farther account should
‘ be framed, than they could otherwise do. That
‘ if they went upon issuing out a new order before
‘ they examined that gentleman, the same thing
‘ might happen which a noble Lord seemed to think
‘ had

‘ had before happened, by their making the first order in that affair without taking time to consider of it ; the directors would no more understand their second order than they had understood the first ; and thus (says his Lordship) we shall have a second return as indistinct and as obscure as the first.’ In this question as to order, the Lord *Carteret*’s opinion was supported by the Earl of *Winchelsea* and the Lord *Bathurst* ; and it was opposed by the Duke of *Newcastle*, the Earl of *Ilay*, and the Lord *Delawar*. Then the Earl of *Strafford* stood up and said, ‘ That for avoiding the dispute about order, he would be for putting the previous question, as to the motion made by the noble Lord, and thereupon he would give his negative, as he would likewise do upon the previous question as to the motion made by the noble Duke, in order to come at the motion made for calling in Mr. *De Golz*, which he would certainly agree to.’ After him the

Marquis of
Tweedale’s
speech.

Marquis of *Tweedale* stood up and said, ‘ My Lords, I am of the same opinion with the noble Lord who spoke last ; I think that what his Lordship has proposed, is a most proper method for avoiding all disputes about order ; and as I am for calling in Mr. *De Golz*, and examining him, before every thing else ; therefore, if you put the previous question as to the first motion that was made, I hope it will pass in the negative ; then, my Lords, we may regularly, and without any dispute as to order, put the previous question as to the motion made by the noble Duke ; to that question I shall likewise give my negative, and I hope all the Lords who are for having Mr. *De Golz* called in and examined, will do the same, that so it may likewise pass in the negative ; and thus both the first motions being postponed, we come next of course to the third motion, which was that for calling in Mr. *De Golz*, to which I shall most heartily give my affirmative.’

Here.

Hereupon the previous question was put, as to the motion made by the Lord *Bathurst*, which passed in the negative without any division. Then the previous question was put upon the motion made by the Duke of *Newcastle*, upon which the house divided. As this division was a very remarkable one, we shall give a list of the Lords who were present, and voted in this question.

Lords who, upon this previous question, voted in the negative, and were consequently for the calling in of Mr. De Golz.

D	Ukes of Somerfet,	Earls of Buchan,
	St Albans,	Marchmont,
	Bolton,	Strafford,
	Bedford,	Stair,
	Montrose,	Fitzwalter,
	Kent,	Oxford,
	Greenwich,	Harborough,
	Manchester,	Macclesfield,
	Bridgwater.	Pomfret,
	Marquis of Tweedale.	Ker.
Earls of Northampton,	Viscounts Tadcaster, (<i>Earl</i>	
Denbigh,	<i>Thomond</i>)	
Berkshire,	Cobham,	
Winchelsea,	Falmouth,	
Chesterfield,	Lords Clinton,	
Thanet,	Bruce,	
Sunderland,	Craven,	
Shaftsbury,	Carteret,	
Litchfield,	Weston, (<i>Earl of</i>	
Gainsborough,	<i>Arran</i>)	
Scarborough,	Haverham,	
Coventry,	Gower,	
Roths,	Masham,	

Lords Foley,	Present 48
Bathurst,	Proxies 27
Cornwallis,	—————
Bishop of Lincoln.	75

Lords who, upon this previous question, voted in the affirmative, and consequently against the then calling in of Mr. De Golz.

LORD Chancellor,
President,
Privy Seal,
Steward,
Chamberlain.

Dukes of Montague, *master of the great wardrobe,*
Ancafter,
Newcastle, *secretary of state,*
Chandos,
Dorset, *Lord Lieutenant of Ireland.*

Earls of Pembroke, *captain of a troop of guards, and*
Lord of the bed-chamber,

Warwick,

Clarendon,

Albemarle, *captain of a troop of guards, and*
Lord of the bed-chamber.

Jersey,

Godolphin, *groom of the stole.*

Cholmondeley, *master of the horse to the*
Prince.

Crawford, *captain of dragoons,*

Morton, *vice-admiral of Scotland,*

Selkirk, *Lord of the bed-chamber,*

Dunmore, *colonel of a regiment of guards,*

Orkney, *colonel of a regiment, and governor*
of Virginia and Edinburg-castle,

Ilay, *Lord justiciary and privy seal of Scot-*
land,

Tankerville, *Lord of the bed-chamber, and*
since made master of the buck-hounds,

Earls

Earls, of Hallifax, *auditor of the Exchequer*,
 Cowper, *Lord of the bed-chamber*,
 Ashburnham, *Lord of the bed-chamber*,
 Effingham, *colonel of a regiment, and de-
 puty Earl marshal*.

Viscounts, Lymington, *Lord justice in Eyre*,
 Torrington, *treasurer of the navy*.

Lords, Harrington, *secretary of state*,
 Abergavenny,
 Delawar, *treasurer of the household*,
 Lovelace,
 Byron,
 Lynn, *master of the jewel-office*,
 Cadogan, *colonel of a regiment*,
 Walpole, *clerk of the pells*,
 Monson,
 Lovel.

Bishops of London,
 Winchester,
 Salisbury,
 St David's,
 Bangor,
 Durham,
 Exeter,
 Landaff,
 Chichester,
 Oxford,
 Bristol,
 Norwich,
 Litchfield and Coventry,
 Ely,
 Rochester,
 St Asaph,
 Bath and Wells.

Present 57

Proxies (of whom six were bishops) 18

75

Note,

Note; It appears, by the above list, that there was a majority of twenty-two lay Lords for the calling in of Mr. *De Golz*.

By the rules of proceeding in the house of Lords, nothing new, it seems, can be resolved on, unless a majority be for it; so that when a motion is made in that house for reversing a decree, for bringing in or passing a bill, or for an amendment to a bill then before them, there must be a majority for it, otherwise, if there be only an equality upon the division, the decree stands affirmed, the bill or the amendment is thrown out; and so, when a motion for a resolution or order is made, there must be a majority for it; if upon the division there be an equality, the motion is of consequence disagreed to, that is, the question passes in the negative. Thus in the present case, the previous question being, whether the question should be then put upon the motion made by the Duke of *Newcastle*? And there being exactly as many against putting the question upon that motion, as there were for it, therefore the previous question was carried in the negative; and so the house came of course to putting the question upon the motion made by the Earl of *Scarborough*, for the calling in of Mr. *De Golz*.

Accordingly the Earl stood up and renewed his motion, whereupon the Duke of *Newcastle* got up and moved, that the previous question might likewise be put as to that motion. Upon this the

Earl of
Strafford's
speech.

Earl of *Strafford* stood up and spoke to this effect.
 ‘ For God’s sake, my Lords, do not let us put a
 ‘ previous question as to this motion. Mr. *De Golz*
 ‘ was ordered to attend this day: What was he or-
 ‘ dered to attend for? Surely it was to be examin’d
 ‘ in case we found any difficulty in the account now
 ‘ under our consideration; and every Lord in the
 ‘ house, I think, confesses that he finds difficulty in
 ‘ this account: It hath been allowed by every Lord
 I that

‘ that has spoke in this debate, to be very confused
‘ and obscure. It will really look very odd, to re-
‘ fuse examining that gentleman, as to what appears
‘ difficult or obscure in the account before you, since
‘ he is attending for that purpose by virtue of an or-
‘ der of the house. We may pretend what we please,
‘ but no man will think that we are in earnest in what
‘ we are now about, if the calling in and examining
‘ of this gentleman should be put off.’

Several other Lords spoke to the same purpose, upon which the Duke dropped his motion; though if the previous question had been put, and every Lord had voted and given his proxies, as in the former division, it is certain there would have been an equality, by which the calling in or examining of Mr. *De Golz* would, by the rules of that house before-mention’d, have been put off at least for that day. The motion as to the previous question being thus dropped, the question was put for the calling in of Mr. *De Golz*, which was carried without any division, and he was accordingly called in and examined, but did not give any great satisfaction as to the clearing up of the account. After he was withdrawn, the Lord *Bathurst* renewed his motion; whereupon the

Earl of *Scarborough* rose up and spoke in substance as follows, viz. ‘ My Lords, I must be of opinion, that as this motion tends towards the charging
‘ of some gentlemen with very gross mismanagement, and with acting contrary to an express act
‘ of Parliament, we ought to proceed with the utmost caution: And as I really think that we have
‘ not, as yet, sufficient ground for supporting such
‘ a resolution, therefore I cannot now agree to it.
‘ Our coming immediately to such a resolution can
‘ do no manner of service, either to the public or to
‘ any private person, and it may do harm to some
‘ gentlemen, who, for what we can yet pretend to

‘ know, are innocent ; but that we may search this
 ‘ affair to the bottom, that we may have all the in-
 ‘ sight into it that is possible, and that we may dis-
 ‘ cover and punish the guilty, if any there be, I will
 ‘ now join with the noble Duke in the motion he
 ‘ made ; and I hope in forming that order, your
 ‘ Lordships will give such directions as may not
 ‘ only enable, but oblige the directors of that com-
 ‘ pany to give us a full, clear, and distinct account
 ‘ of that whole affair, if any such account can be
 ‘ had. When that account comes in, or when we
 ‘ are told no such account can be had, we may then
 ‘ consider the motion made by the noble Lord, and
 ‘ may come to that resolution, or to such other re-
 ‘ solutions as we shall then think proper.’

Duke of
 Argyle's
 speech.

Duke of *Argyle*. ‘ My Lords, in all inquiries
 ‘ of this nature, we ought to proceed with zeal but
 ‘ not with fury. I hope, my Lords, I am as zea-
 ‘ lous for inquiring thoroughly into the matter now
 ‘ before us, as any of your Lordships ought to be.
 ‘ For this reason I was for postponing the motion
 ‘ made by the noble Duke, in order to have Mr.
 ‘ *De Golz* examined : I did indeed expect, that he
 ‘ would have explained to your Lordships most of
 ‘ the articles of the account before us, which appear
 ‘ to be obscure and unintelligible ; but I find I am
 ‘ disappointed : I believe your Lordships have re-
 ‘ ceived no great satisfaction from him ; for to me
 ‘ he seemed to be ignorant almost of every thing ;
 ‘ he could not so much as give a clear and distinct
 ‘ answer to any one question that was put to him,
 ‘ which, I must say, is to me very surprising : I did
 ‘ think it almost impossible that a man, who had
 ‘ been so long in such a high post in that company's
 ‘ service, could be so ignorant of their affairs as this
 ‘ man appears to be.

‘ However, my Lords, notwithstanding the little
 ‘ success we have met with in the examination of
 ‘ this

‘ this gentleman, I hope we shall fall upon ways and
 ‘ means for bringing this matter to light ; but till
 ‘ we have some farther information about it, I do
 ‘ not think we have a foundation for the resolution
 ‘ which the noble Lord has moved for : Our pro-
 ‘ ceeding so hastily to such a resolution, would
 ‘ really be a going on with fury, instead of going on
 ‘ with that just zeal which we ought to shew upon
 ‘ all occasions ; and I am persuaded, if this affair were
 ‘ to be left to the single determination of the noble
 ‘ Lord who made the motion, he would not, upon
 ‘ reconsidering the case, come to such a determina-
 ‘ tion as he has now moved for, without inquiring
 ‘ farther into the matter ; therefore I hope the noble
 ‘ Lord will, for the present, wave his motion, that
 ‘ the same may be again revived, after we have got
 ‘ a more full and a more distinct information about
 ‘ this affair.’

Hereupon the Lord *Bathurst* agreed to wave his
 motion for that time, and afterwards the house or-
 dered the present directors, and also the last direc-
 tors of the *South-Sea* company to attend to be exa-
 mined, and likewise the late inspectors of that com-
 pany’s accounts.

On *Wednesday* the 30th of *May*, the bill for grant-
 ing to his Majesty a certain sum out of the sinking
 fund, for the service of the year 1733, and for the
 farther application of the same fund ; and for ena-
 bling his Majesty, out of the money arisen by the
 sale of lands in *St. Christophers*, to pay 80,000*l.*
 as a marriage-portion for the Prince’s royal, &c.
 was read a second time in the house of Lords, and
 upon the motion’s being made for committing it,

Bill for the
 marriage-
 portion, &c.
 in the house
 of Lords.

Earl of *Winchelsea* stood up and spoke to this ef-
 fect, *viz.* ‘ I do not rise up, my Lords, to oppose
 ‘ the bill now before us, but I stand up to take no-
 ‘ tice of the strange method of huddling so many
 O 2 things

Earl of
Winchelsea’s
 speech.

‘ things together; and particularly I cannot but take
‘ notice of that part of it, by which 80,000 *l.* is
‘ granted as a portion for the Princess Royal. It is
‘ so unbecoming a thing to see that grant made in
‘ such a hotch-potch bill, a bill which really seems
‘ to be the sweepings of the other house, that I can-
‘ not, my Lords, let it pass without testifying my
‘ dislike. After his Majesty had been most graci-
‘ ously pleased to communicate to both houses of
‘ Parliament the intended marriage of that Princess,
‘ after both houses had presented to his Majesty most
‘ dutiful and loyal addresses thereupon, I think, my
‘ Lords, the least that ought to have been done, was
‘ to have provided a marriage-portion for that Prin-
‘ cess, in a particular bill by itself; that it might
‘ have stood upon our records, as a testimony of the
‘ respect and duty of the nation towards the royal
‘ family now upon the throne. I have so great an
‘ esteem for his Majesty and his family, and such a
‘ particular regard for that illustrious Princess, that
‘ I am sorry to see her name so much as mentioned
‘ in such a riff-raff bill as this is.

‘ But, my Lords, besides this indignity to the
‘ royal family, the sending up a bill with so many
‘ different things tack’d together, is a sort of indig-
‘ nity to this house. It is a breach of one of your
‘ standing orders, and is a laying of us under a ne-
‘ cessity of agreeing to every item in a bill, or of
‘ putting a negative upon every one of them: In
‘ short, my Lords, to me it really seems to be a
‘ design to make use of one particular article in the
‘ bill, in order to cram all the rest down our throats.
‘ Upon both these accounts I could not help taking
‘ notice of this most extraordinary bill; but since it
‘ cannot now be remedied, I am so fond of enabling
‘ his Majesty to provide a sufficient marriage-por-
‘ tion for the Princess royal, I am so ready to join
‘ in any measures for providing for the current ser-
‘ vice of the year, that, rather than disappoint ei-
‘ ther

‘ther of them, I will for this time pass over those
 ‘informalities, I will not oppose this bill, but I hope
 ‘that care will be taken hereafter, not to send up
 ‘any more such bills to this house.’

Earl of *Crawford*. ‘I do not either, my Lords, <sup>Earl of
Crawford's
speech.</sup>
 ‘rise up to oppose the bill now before us, but I think
 ‘it is incumbent upon me to declare, that it is, in
 ‘my opinion, a most indecent thing to provide for
 ‘the Princess royal of *England* in such a manner:
 ‘It is most disrespectful to the royal family, to pro-
 ‘vide a marriage-portion for so illustrious a branch
 ‘of that family, in such a bill of *Items*. Here is,
 ‘*imprimis*, 500,000*l.* for the current service of the
 ‘year. *Item* 10,000*l.* by way of charity for those
 ‘distressed persons who are to transport themselves
 ‘to the colony of *Georgia*. *Item*, so much by way
 ‘of charity for repairing an old church. *Item*, so
 ‘much by way of charity for repairing a dormitory.
 ‘And *Item*, 80,000*l.* as a marriage-portion for the
 ‘Princess royal of *England*. How incongruous is it,
 ‘my Lords, to see such a provision come in by way
 ‘of *Item*, among so many other *Items*, many of which
 ‘are for charitable uses!

‘In duty to the family of which that royal Prin-
 ‘cess is descended, out of that regard and esteem
 ‘which we ought to have for her, and which she so
 ‘much deserves, not only from us, but from the
 ‘whole world, her marriage-portion ought to have
 ‘been provided for in a particular bill by itself; no
 ‘foreign matter ought to have been mix’d up in
 ‘such a bill. Your Lordships were so careful in that
 ‘respect, that when you were about drawing up an
 ‘address of thanks to his Majesty, for communica-
 ‘ting to this house the intended marriage of the
 ‘Princess royal, you would not receive a few words
 ‘which were offered by way of compliment to the
 ‘States General, and which might very properly

‘ have come into that address, because you were
 ‘ resolved to put nothing into the address that was
 ‘ any way foreign to the intended marriage, which
 ‘ his Majesty had been pleased to communicate to
 ‘ you.

‘ As I am resolved not to oppose this bill, there-
 ‘ fore, my Lords, I shall not say any thing to the
 ‘ method of tacking made use of upon this occasion;
 ‘ nor shall I now object against the means made use
 ‘ of for providing for the current service of the year;
 ‘ but both ought certainly to be taken notice of, and
 ‘ I hope your Lordships will, upon this occasion,
 ‘ come to some resolutions which may tend to pre-
 ‘ vent the like practices for the future.’

Duke of
 Newcastle's
 speech.

Duke of *Newcastle*. ‘ My Lords, I am so far
 ‘ from thinking it indecent or disrespectful to provide
 ‘ for the Princess royal by this bill, that I think it the
 ‘ only way by which such a provision could have
 ‘ been made. It could not well have been done by
 ‘ a particular bill, because the marriage is not as yet
 ‘ fully concluded: And a particular bill was the less
 ‘ necessary, because the provision is to be made with-
 ‘ out laying any new burden on the people; it is to
 ‘ be made out of what did not originally belong to
 ‘ the public, but to his Majesty; for the money
 ‘ arising by the sale of the lands in *Nevis* and *St. Chri-*
 ‘ *stophers*, did not really at first belong to the pub-
 ‘ lic; it was what the public had no right to, till his
 ‘ Majesty was so good as to give it up, and to promise
 ‘ that it should be applied to the use of the public.’

Earl of I-
 lay's speech.

Earl of *Ilay*. ‘ My Lords, I must say, that the
 ‘ two noble Lords who spoke first upon this sub-
 ‘ ject, have been pleased to give the bill now before
 ‘ us some epithets which are very extraordinary, and
 ‘ which, in my opinion, the bill no way deserves.
 ‘ There is in this bill, my Lords, nothing of an ex-
 ‘ traordinary nature: Surely your Lordships would

‘ not have a particular bill sent up, for every small
‘ sum that is granted for the current service of the
‘ year: Your Lordships know that it is not usual:
‘ It has always been the custom of Parliament to
‘ provide for several particular services by one bill.
‘ And as to the marriage portion of the Princess
‘ Royal, I have as great a regard for that most de-
‘ serving Princess, and as great a respect for the royal
‘ family of which she is descended, as any Lord in
‘ this house; but really I can see no difference in
‘ the providing for her marriage portion by a parti-
‘ cular bill for that purpose, or by a clause in some
‘ other bill: It will stand equally upon all our re-
‘ cords in the one way as in the other; and the
‘ duty and respect which the nation owes to his Ma-
‘ jesty and his illustrious family, will be shewn as
‘ much, and testified as strongly, by the clause which
‘ is in this bill, as if there had been a particular bill
‘ brought in and passed for that purpose only.

‘ As to the orders of this house, my Lords, there
‘ is nothing in this bill that is against any of them;
‘ the order which now seems to be referred to, is, I
‘ presume, that, by which it is ordered, that nothing
‘ of a foreign nature shall be tacked to any money
‘ bill: This, my Lords, is the only order I can think
‘ of, which has any manner of relation to the que-
‘ stion in hand, and I am sure there is nothing in
‘ this bill contrary to that order: There is nothing
‘ of a foreign nature, there is nothing in it but what
‘ relates to the granting of money, and therefore
‘ there is nothing in it that can in any way be said
‘ to look like tacking. Since the noble Lords had
‘ no mind to oppose the bill, I must think that they
‘ might have let alone saying any thing upon the
‘ head, till after the bill had been order’d to be com-
‘ mitted: Then if they had any motion to make
‘ relating to any irregularities in this bill, they might
‘ have spoke to it; but it is not usual for any Lord

‘ to speak against a bill, unless it be with a design
 ‘ to oppose its passing in the form it is in.’

Lord Ba-
 thurst's
 speech and
 motion in
 favour of the
 sinking fund.

After this, the bill was order'd to be committed,
 and then the Lord *Bathurst* stood up and spoke in
 substance thus, *viz.* ‘ My Lords, I did not before give
 ‘ your Lordships any trouble, because I had not a
 ‘ mind to oppose this bill which we have now order'd
 ‘ to be committed; for tho' I was of opinion, and I
 ‘ find I am not singular, that the sending up of such
 ‘ a bill was both irregular and contrary to the orders
 ‘ of this house, yet I thought it was necessary to
 ‘ pass it, not only because of the desire I had to see
 ‘ all the current services of the year provided for,
 ‘ but likewise because of the great regard I had for
 ‘ that branch of the royal family provided for by
 ‘ this bill: Tho' I must say, that I should have been
 ‘ glad to have seen that royal Princess provided for
 ‘ by a particular bill for that purpose only; for
 ‘ wherever a grant is to be made by Parliament in
 ‘ favour of any particular person, the doing of it by
 ‘ a clause may, perhaps, have the same effect, but the
 ‘ doing of it by a bill, certainly shews a greater re-
 ‘ gard for the person to whom the grant is made.
 ‘ There is indeed a method by which one house of
 ‘ Parliament may be made to shew a very extraordi-
 ‘ nary regard, to any particular thing provided for
 ‘ only by a clause in a bill; this method has perhaps
 ‘ been practised; tho' I shall not say, my Lords, it
 ‘ has in this case been practised: It is when either house
 ‘ of Parliament has a bill before them which they
 ‘ suspect may be thrown out in the other house,
 ‘ therefore, in order to carry it through the other
 ‘ house, they add a clause in favour of some thing,
 ‘ or some person, which they know the other house
 ‘ will shew a great regard to; in such case, if that
 ‘ other house do pass such a bill for the sake of that
 ‘ clause, it is certainly shewing a very extraordinary
 ‘ regard to the person in favour of whom that clause

‘ was

‘ was thus purposely introduced. If I admit bad
‘ company into my house for the sake of one parti-
‘ cular man who happens to be among them, I cer-
‘ tainly shew him a greater regard than if I admit-
‘ ted him single and alone; but he is little obliged
‘ to those who put him upon the office of gaining
‘ admittance for such troublesome attendants.

‘ However, my Lords, as to this part of the bill,
‘ I shall insist no longer upon it, my principal de-
‘ sign is to take notice of the manner in which the
‘ current service of the year is provided for by this
‘ bill: It is indeed a very extraordinary method of
‘ providing for that service; a method which I shall
‘ never approve of: I have always looked on the
‘ sinking-fund as a most sacred pledge for securing
‘ the payment of the debts of the nation, and for
‘ relieving the people from those heavy taxes and
‘ burdens they now groan under. Now, I find, that
‘ by this bill, that sacred fund is to be robbed of
‘ 500,000*l.* at one stroke. There have been several
‘ large sums formerly stolen from that fund; but, I
‘ believe it was never before plundered of so large
‘ a sum at once, or in so direct and open a manner
‘ as by this bill is to be introduced; and therefore,
‘ I hope, your Lordships will come to some resolu-
‘ tion for preventing any such practices for the fu-
‘ ture: It is now, my Lords, really become neces-
‘ sary for us to signify to the other house, our opi-
‘ nion, That the sinking fund ought never to be ap-
‘ plied to any other purpose, than that for which it
‘ was originally designed; and I think, my Lords,
‘ the best way of signifying such opinion is, by ha-
‘ ving a resolution to that purpose enter’d upon the
‘ journals of this house; for which reason I shall
‘ take the liberty to move for a resolution in these
‘ or in some such terms, That it is the opinion of
‘ this house, that the sinking fund ought always, for
‘ the future, to be applied to the redeeming those
‘ taxes which are most prejudicial to the trade, most
‘ burden-

‘ burdensome on the manufactures, and most oppressive upon the poor of this nation.’

Lord Carteret's speech.

Lord *Carteret*. ‘ My Lords, I must upon this occasion declare it to be my opinion, that the creditors of the public have, in a manner, a right to that sacred fund, called the sinking fund; it is in its own nature a security to them; first, for the payment of the interest coming yearly due to them, and next for the payment of their principal sums. The whole people of *England* have a right to have it duly applied; because it is by such application only, that we can get free of those many and grievous taxes, which lie so heavy upon the poor, and are such a clog to the trade and to the manufactures of this nation; and therefore, the applying of that fund to any other use, is a robbing the public creditors of their right, it is doing an injustice to the whole people of *England*.

‘ The present circumstances of this nation are, my Lords, in some manner deplorable. By the many taxes we now pay, the necessaries and conveniences of life are rendered so dear, that it is impossible for our tradesmen or manufacturers to live so cheap, or to sell the produce of their labour at so small a price as our neighbours do; from hence it is, my Lords, that our neighbours are every day encroaching upon us, and our trade is daily decaying. If a journeyman in any manufacture whatever, can live better in *France* or *Germany* on a six-pence a day, than he can live in *England* on a shilling, we may depend on it that most of our tradesmen will at last find the way thither, if they are not prevented either by our own good politics, or by some very bad politics among our neighbours; and if a master tradesman can get the same work done in *France* for a six-pence, which would cost him a shilling in *England*, he certainly can undersell the *English* tradesman in all the foreign markets

‘ markets of the world. The only method there-
‘ fore to preserve our trade, is to take off those
‘ taxes which now lie so heavy upon the poor trades-
‘ men and labourers, and this the whole people
‘ of *England* know can be done no other way but
‘ by a due application of the sinking fund. How
‘ shocking then must it be to the whole nation, to see
‘ that fund plundered of so large a sum at once?
‘ The whole nation must from thence conclude,
‘ that they must for ever groan under those taxes
‘ and burdens which they now find almost insuppor-
‘ table, and which must soon become absolutely so,
‘ by the decay of our trade and our manufactures.

‘ This fund, my Lords, has before been clandes-
‘ tinely defrauded of several small sums at different
‘ times, which indeed together amount to a pretty
‘ large sum; but by the bill which we have now
‘ ordered to be committed, it is to be openly and
‘ avowedly plundered of 500,000 *l.* at once. After
‘ such a direct misapplication of that fund, can any
‘ public creditor depend upon his being ever paid
‘ his principal sum? Can any public creditor think
‘ himself secure even of that yearly interest or an-
‘ nuity which is due to him? By this bill he sees one
‘ half of the sinking fund applied to the current ser-
‘ vice of the year: This he sees done, and this, my
‘ Lords, he sees done in a time of the most pro-
‘ found peace and tranquillity. How then can he
‘ be certain but that the whole sinking fund may be
‘ next year applied to the same purposes: He must
‘ then see himself deprived of all hopes of ever re-
‘ ceiving his principal sum; and if the funds now
‘ appropriated to the payment of the yearly interest,
‘ or annuities, growing due to the public creditors,
‘ should hereafter prove to be deficient, where could
‘ they have recourse for the payment even of those
‘ annuities? The sinking fund being otherwise ap-
‘ plied, their annuities, or at least some part of them,
‘ must

‘ must remain unpaid, and, at last perhaps, the whole
 ‘ might cease. Such a suspicion may, even by this
 ‘ misapplication, arise among the creditors of the
 ‘ public; and if such should arise, it would be the
 ‘ most terrible shock that ever happened to the pub-
 ‘ lic credit of this nation. To prevent therefore
 ‘ any such suspicion, it will be absolutely neces-
 ‘ sary for your Lordships to come to some resolu-
 ‘ tion for quieting the minds of the people, and for
 ‘ assuring them that no such misapplication shall for
 ‘ the future be admitted of: And the passing of the
 ‘ bill now before us makes our coming to such a re-
 ‘ solution the more necessary. For which reason
 ‘ I am for agreeing with the motion made by the
 ‘ noble Lord who spoke last.’

Duke of
 Newcastle's
 speech.

Duke of *Newcastle*. ‘ I wonder, my Lords, to
 ‘ hear it affirmed by any Lord in this house, That
 ‘ the public creditors have any manner of right in
 ‘ the sinking fund: They certainly have no right to
 ‘ any part of it: They have a right only to receive
 ‘ their yearly interest when it becomes due; for the
 ‘ payment of which there are other funds appro-
 ‘ priated, and therefore, as long as they are regularly
 ‘ paid their interest, they have nothing to fear, they
 ‘ have nothing to complain of. It is well known,
 ‘ that the sinking fund was, from its very first ori-
 ‘ ginal, subject to be disposed of by Parliament,
 ‘ and the Parliament has it still in their power to ap-
 ‘ ply it to the paying off a part of the public debt,
 ‘ or to what other public use they shall think most
 ‘ proper; and in this year there is as much of it
 ‘ applied towards the paying off the public debts,
 ‘ as is either necessary or convenient.

‘ By the same bill, my Lords, there is a million
 ‘ to be applied towards the paying off a part of
 ‘ the public debts of the nation, which is more than
 ‘ the creditors of the public either want or desire.
 ‘ The circumstances of this nation are now so happy,
 ‘ and

‘ and the public credit so well established, that none
‘ of the public creditors desire to have their money :
‘ On the contrary, my Lords, we see that those
‘ funds bear the highest price, and are the most
‘ sought after, which are expected to be the longest
‘ of being paid off. In such circumstances we have
‘ an opportunity to look about us, and to apply a
‘ part of that fund where we find it is most wanted :
‘ This is what is proposed by this bill. It must be
‘ granted, my Lords, that the landed gentlemen
‘ have of all others borne for many years the greatest
‘ share of the public charge, they are therefore the
‘ first that ought to be relieved ; and for this reason
‘ 500,000*l.* part of the sinking fund, is to be ap-
‘ plied to the current service of the year, in order to
‘ relieve them of a part of that burden they have
‘ long laboured under. Since then by this bill, the
‘ landed gentlemen are to be relieved, and the ser-
‘ vice of the year provided for without contracting
‘ any new debt, or laying any burden upon the
‘ people, it must be allowed to be a public bene-
‘ fit.

‘ That part of the sinking fund, which in ease of
‘ the landed gentlemen is by this bill to be applied
‘ to the current service of the year, is not, my Lords,
‘ to be call’d a half of the sinking fund, because it
‘ is not to be taken out of the produce of that fund
‘ for one year ; it is what has arisen from the sur-
‘ plusses of that fund for several years, over and
‘ above the million which, for some time, has been
‘ yearly applied to the payment of the public debts :
‘ And since none of the public creditors either
‘ wanted or desired their money, I must think that
‘ these surplusses could not have been applied better
‘ than to the relief of those who have been for many
‘ years the most grievously tax’d. This, my Lords,
‘ is the true design of the bill which we have or-
‘ dered to be committed. It is, my Lords, a good
‘ design ; it is such a design as can give no man an
‘ alarm ;

‘ alarm; it can raise no jealousies or fears; and
 ‘ therefore, I cannot think that there is any occasion
 ‘ for your Lordships to come to such a resolution as
 ‘ the noble Lord has been pleased to move for.’

Earl of *May*'s
 speech.

Earl of *May*. ‘ I am really surprised, my Lords,
 ‘ to hear such expressions made use of in this house,
 ‘ as some Lords have taken the liberty to use. Rob-
 ‘ bing, stealing, plundering, defrauding, misapply-
 ‘ ing, are such terms as are not usual in any polite
 ‘ conversation, and much less ought they to be made
 ‘ use of in any debate in this house; but when I re-
 ‘ flect upon what they are applied to, I cannot but
 ‘ think they are still more irregular. It has been
 ‘ said, that the sinking fund has been plundered and
 ‘ robbed; I would gladly know, my Lords, by
 ‘ whom this sacred fund has been so used? I am
 ‘ sure that, to the best of my knowledge, there has
 ‘ never yet been one shilling of it applied to any
 ‘ use but by virtue of an act of Parliament for that
 ‘ purpose; and if it be said, that it has been plun-
 ‘ dered and robbed by act of Parliament, who are
 ‘ to be called the plunderers and robbers? Why the
 ‘ King, the Lords, and the Commons. Can this,
 ‘ my Lords, be said to be decent? These are terms
 ‘ that are very far from being proper upon any oc-
 ‘ casion in this house, and surely they are most im-
 ‘ properly applied to the Parliament's disposing of
 ‘ that fund, which by its first institution was, and
 ‘ ever since has continued to be intirely at the dis-
 ‘ posal of Parliament. The sinking fund is to be
 ‘ appropriated to the payment of the public debts,
 ‘ from year to year, by authority of Parliament; but
 ‘ if the Parliament shall think proper to dispose
 ‘ of any part of it, or even the whole in any one
 ‘ year to some other use, they certainly may; the
 ‘ disposing of it in such a manner is neither plun-
 ‘ dering, or misapplying.

‘ For

‘ For my own part, I must beg leave to say, that
‘ I do not know what the noble Lord means by the
‘ resolution he proposes. The sinking fund is in
‘ its own nature to be applied yearly to the payment
‘ of the public debts, unless the Parliament shall, in
‘ any one year, think the applying of it to some other
‘ use will be more beneficial to the nation: And I
‘ hope your Lordships do not mean by such a reso-
‘ lution to tie up this house, in all future sessions,
‘ not to apply that fund to the use which shall then
‘ be deemed most for the benefit of the nation:
‘ Even an act of Parliament could not have such an
‘ effect: Are your Lordships to make a resolution
‘ which is to be held more sacred, and more unal-
‘ terable, than an act of Parliament? Are we to re-
‘ solve not to trust ourselves for the future with the
‘ management or the disposal of this money? In
‘ short, my Lords, such a resolution as what is pro-
‘ posed, is, in my opinion, quite unnecessary, and if
‘ agreed to, it could be of no manner of use.

‘ As for the paying off the public debts, and re-
‘ lieving the nation from the taxes it now pays, I
‘ am as much for it as any Lord in this house; but,
‘ my Lords, if it were possible to pay off all our
‘ debts in one year, it would not be prudent to do
‘ so: The debts are to be paid off gradually; there
‘ would be great danger in paying off too many of
‘ them at once: By such a glut of money coming
‘ to be thrown at once into the hands of private
‘ men, the interest of money in this nation would be
‘ run down lower than the circumstances of *Europe*
‘ could at that time admit off; the certain conse-
‘ quence of which would be, that vast sums of mo-
‘ ney would at once be carried out of the nation, in
‘ order to place it at an interest somewhere else;
‘ this would drain us of all our ready money, which
‘ of consequence would put an end even to our pa-
‘ per-credit, and thereby the interest of money would
‘ in a little time be raised higher than would be con-
‘ sistent

‘ sistent either with the trade or the credit of the nation.

‘ I should be glad, my Lords, to see this nation free of most of the taxes now charg’d upon it; but I cannot believe that those taxes are so burdensome upon our trade, or that our manufactures are in such decay as some Lords have been pleased to represent; I believe both our trade and our manufactures are, at present, in as good and as thriving a condition as they ever were: Our people, ’tis true, pay taxes, but I would gladly know where there is a people that pay none: I believe there is not now a country in *Europe* where the taxes are less burdensome to the people than they are in this, nor is there a country in the world, where an industrious tradesman may live more happily; and therefore we need not be much afraid that any industrious and frugal tradesman will leave us. The fact I take to be otherwise; I believe there are many more foreign tradesmen come yearly to settle in *England*, than there are of our natives who go to settle in any foreign part.

‘ If, my Lords, it be laid down as a maxim, that every application of the sinking fund, to any other use besides that of paying off the public debt, is to be look’d on as a misapplication, then certainly the applying it towards the redeeming of any of our taxes, must be deemed to be a misapplication; and therefore I hope that those Lords, who insist so much upon its being a fund sacred to the payment of our debts only, will be against the resolution proposed.’

Lord Carteret’s
speech.

Lord Carteret. ‘ My Lords, if we inquire a little into the rise of the sinking fund, we may easily find, that the public creditors have not only some sort of right, but a most just claim to that fund. We all know that the fund, which is now called the sinking fund, arose from the diminution of the interest

interest payable to the creditors of the public :
 They had formerly, at least most part of them
 had, an interest of six *per cent.* or above ; and while
 that interest continued, the whole sinking fund was
 actually appropriated to the payment of the yearly
 interest due to them ; but then, my Lords, there
 was no fund established for the payment of their
 principal money ; this made all those, who had a
 concern for the public, uneasy ; and without doubt
 there were many of the public creditors who were
 not quite easy under such circumstances ; therefore
 they have all consented, by degrees, to the redu-
 cing of their interest to 4 *per cent.* Thus have
 they given up one third part of their yearly interest,
 in order to secure the payment of their principal
 money ; and for this reason, they certainly have not
 only an interest in the sinking fund, but a right to
 claim that it may never be applied to any thing but
 the gradual payment of the principal money due to
 them.

I am surpris'd, my Lords, to hear it said, they
 have a right only to their yearly interest. Have
 not they likewise a right to come and demand their
 principal money whenever they please ? 'Tis true,
 they do not now want their money, there are none
 of them come at present to demand their money
 of the public ; but from whence does this proceed ?
 Does it not proceed from their being, by means of
 this very fund, secure, not only as to the regular
 payment of their yearly interest, but likewise that
 their principal money will be all paid at last ? From
 hence it is that all public securities sell at least at
 par, and therefore, if any public creditor stands in
 need of his money, he has no occasion to come
 and demand it of the government, because he may
 every day sell his security in *Exchange-alley* at the
 full value ; but if the sinking fund should be taken
 away from them, if it should be intirely converted
 to some other purpose, they would be render'd less

' secure of the regular payment of their interest, and
 ' they must despair of ever having their principal;
 ' they could not then sell their public securities for
 ' the full value, or perhaps for any value, and con-
 ' sequently they would not only have a right, but
 ' they would certainly come and demand payment of
 ' their principal money from the public.

' But, granting that the public creditors neither
 ' do, nor ever will demand payment of their prin-
 ' cipal money, is that, my Lords, any reason for the
 ' public never to think of paying them? If a man
 ' has a mortgage upon my estate, and does not de-
 ' sire it to be paid off, because he has a higher in-
 ' terest, more regular payments, and a better securi-
 ' ty from me than he can find any where else, sure-
 ' ly that can be no reason for my delaying to pay
 ' him off: On the contrary, it is one of the best
 ' reasons can be given for my paying him off as
 ' soon as possible.

' The public measures now seem to be much
 ' changed from what they were a few years ago; it
 ' was then thought that those taxes which are the
 ' most grievous to the poor, were the most proper
 ' to be first redeemed. This measure seemed then
 ' to be so much the favourite of the government,
 ' that his Majesty from the throne recommended to
 ' us the relieving of the labourers and manufacturers
 ' from those taxes which lay most heavy upon them;
 ' and in pursuance of his Majesty's most gracious
 ' speech, the tax which was justly deemed to be the
 ' most grievous upon them, was in that session of
 ' Parliament taken off. But, my Lords, this salu-
 ' tary measure was all of a sudden quite alter'd; what
 ' the poor labourers and manufacturers had done to
 ' merit our indignation I do not know, but they
 ' were intirely forgot, the whole cry was for re-
 ' lieving the landed interest: Nay, so far did this new
 ' measure prevail, that that very tax which had been
 ' taken off, as the most grievous on the poor, was
 ' again

again laid on for the pretended relief of the landed gentlemen.

‘ I say, my Lords, the pretended relief of the landed gentlemen, for it was but a pretended relief, as all those reliefs will for ever prove to be, which are given by substituting a tax upon the necessities or the conveniences of life, to the whole, or to any part of the land-tax. It is certain, that the landed interest suffer much more by the many taxes we now pay, than they ever can do by a land-tax, were it to be double the highest that was ever heard of in this nation. There is not a guinea that a landed gentleman pays out of his pocket for the necessities or conveniences of life, but what there are at least eight shillings of it go towards the payment of those taxes to which these things are subjected; and this every landed gentleman in *England* must pay to those with whom he deals, besides the land-tax which he pays directly to the public. If then a landed gentleman, who spends the income of his estate yearly, were free of all those other taxes, if he could have as many of the necessities and conveniences of life for thirteen shillings, as he now has for a guinea, could he not then easily pay even four shillings in the pound land-tax, in case the same should be found necessary for the safety of his country?

‘ To pretend, my Lords, that applying a part of the sinking fund to the current service of the year, is a providing for that service without contracting any new debt, or laying any new tax upon the people, is a mere imposition upon the public. What is necessary for the current service ought always to be raised within the year; the contrary method tends to the ruin both of the trade and the credit of the nation: It is a temporary expedient which must always be attended with fatal consequences, and looks as if an administration were suspicious of their interest in Parliament, or were afraid of asking

‘ from the people, what by their measures they had
‘ made necessary for the current service of the year.
‘ Tho’ the landed gentlemen be eased a little, tho’
‘ no new tax be laid on, yet it cannot be said that
‘ the current service of the year is provided for with-
‘ out running the nation in debt. The applying
‘ towards the service of the year, that money which
‘ ought to have been applied towards the payment
‘ of an old debt, is the same thing with contracting
‘ a new debt.

‘ But, my Lords, this is not the only mischief,
‘ we are not only putting off the payment of old
‘ debts, but we are every year running into new.
‘ Why might not these surplusses, as they are call’d,
‘ have been applied towards the payment of a part
‘ of the navy debt lately contracted? Do not the ac-
‘ counts upon our table shew us what a large sum is
‘ lately become due to the navy? There is now
‘ above a million due upon that single article, which
‘ must some day be provided for by Parliament.
‘ Some temporary expedients may be found out for
‘ putting off that provision for a little time; but such
‘ expedients are always ruinous; the longer such a
‘ necessary provision is put off, the greater handle
‘ is given to usurers and extortioners to make unjust
‘ advantages of the poor officers and sailors belong-
‘ ing to the navy, and the more heavy it will fall
‘ upon the nation at last; either the sinking fund must
‘ be at last applied to the paying it off, or the people
‘ must be charg’d with some new tax for that purpose:
‘ I do not know but that there may be designs of ma-
‘ king that debt a pretence for continuing one of
‘ the most pernicious taxes that was ever laid on the
‘ poor of this nation.

‘ To pretend that there is a danger in paying off
‘ too much of the public debt at once, really seems
‘ to me to be something very extraordinary. Our
‘ sinking fund is not so great, nor can it ever be so
‘ great as to give the least foundation for such fears;

‘ if

‘ if it were most exactly and most religiously applied
‘ to that purpose for which it was originally design-
‘ ed, there would be no danger of people’s carry-
‘ ing their money out of this nation. There are, my
‘ Lords, but few countries in the world, where there
‘ is any great credit either public or private ; and in
‘ all those where either the one or the other abounds,
‘ the interest of money is rather lower than it is in
‘ this country ; so that if the interest of money in
‘ this nation were run down a good deal lower than
‘ it is, we should be put upon a par with some of
‘ our neighbours ; and when people saw that in this
‘ country the public faith was in every circumstance
‘ exactly observed, they would be so fond of conti-
‘ nuing their money in this country, that they would
‘ accept of a lower interest here than they could have
‘ in other countries, more especially in those coun-
‘ tries where the security has always been very much
‘ suspected.

‘ The noble Lord who spoke last seems to mis-
‘ take the resolution proposed. The applying of the
‘ sinking fund towards redeeming taxes is the same,
‘ my Lords, with applying it towards reducing the
‘ public debts ; for as our most grievous taxes are
‘ pledged to the creditors of the public, those debts
‘ for which they are pledged must be paid off before
‘ the taxes can be redeemed ; so that the resolution
‘ moved for is something more strong than if it had
‘ been in the general words, that the sinking fund
‘ ought always to be applied towards the reducing of
‘ the public debts ; for these general words plainly
‘ appear to be included in the resolution, and far-
‘ ther, that it ought first to be applied towards the
‘ paying off of those debts for which the taxes, most
‘ prejudicial to our trade and manufactures, are mort-
‘ gaged ; for till those debts are paid off we cannot
‘ abolish those taxes ; but the debts being once paid
‘ off, and those taxes thereby redeemed, it will then,
‘ and not till then, be in the power of Parliament to

‘ consider whether or no the tax ought to be abo-
 ‘ lish’d. The resolution therefore as mov’d for, is a
 ‘ most proper resolution, and cannot be put in bet-
 ‘ ter or stronger terms than the Lord who made the
 ‘ motion has put it. Such a resolution, is, my
 ‘ Lords, become absolutely necessary; it is shewing
 ‘ to the other house what is the opinion of this; it
 ‘ is shewing to the whole nation that the sinking
 ‘ fund is for the future to be deemed sacred; it is
 ‘ not a tying up of this house to any thing but what
 ‘ we ought to be tied up to. Tho’ a private man
 ‘ be absolute master of his own affairs, yet every pru-
 ‘ dent man lays down to himself some general rules,
 ‘ from which he never departs without some very
 ‘ urgent necessity. In this house we do the same:
 ‘ How many standing orders have we made? I
 ‘ hope it will not be said that all our standing orders
 ‘ are useless, because we may depart from them, or
 ‘ alter them when we have a mind. If this resolu-
 ‘ tion be agreed to, it is certainly to be understood in
 ‘ the same sense as all our standing orders are; it is
 ‘ never to be departed from but in cases of the ut-
 ‘ most necessity.

Earl of Scar-
 borough’s
 speech.

Earl of *Scarborough*. ‘ My Lords, I am very
 ‘ well convinced that the sinking fund ought never
 ‘ to be applied to any thing but that for which it
 ‘ was originally intended; and I hope that your
 ‘ Lordships are not only now, but always will be of
 ‘ the same opinion; I hope, that that sacred fund
 ‘ will never for the future be applied to any use, but
 ‘ that of paying off and discharging the public debts,
 ‘ except in cases of the utmost extremity. This, my
 ‘ Lords, is my way of thinking, but yet I cannot
 ‘ agree to our coming to such a resolution as the
 ‘ noble Lord has been pleased to propose. Surely
 ‘ we do not mean, we cannot pretend to tie up the
 ‘ hands of the legislature so, as that they must never
 ‘ touch that fund, even in the times of greatest dan-
 ‘ ger

ger and necessity. If there should arise a wicked and unnatural rebellion in the country ; if the nation should happen to be invaded, and 30 or 40,000 foreign troops landed in our dominions, are we to tie our selves up, so that the sinking fund is not even in such a case to be touch'd ? There is no man can foresee all that may happen. There are many other cases may happen, in which it might be more for the benefit of the nation to apply a part of that fund to some other use, than to apply the whole to the payment of the public debts.

We do not know, my Lords, what inconveniences, what ill consequences may be occasioned by our having such a resolution enter'd upon the journals of our house : There is one terrible consequence which now occurs to me, and which, in my opinion, may very probably arise from our coming to such a resolution. It may very naturally be the cause of a difference between the two houses of Parliament, which would be of the most dangerous consequence to our constitution : The other house may, perhaps, look upon it as directing of them in what they are to do with respect to the application of that fund : Or, if the other house should not take it amiss, yet if they should upon any future emergency, which they thought pressing, apply a part of that fund otherwise than to the payment of the national debt, your Lordships might perhaps think your selves in honour bound up by such a resolution, so as not to agree with them in such application : This would naturally raise a contest between the two houses, which would put a full stop to all the public business of the nation ; and who can tell what might be the consequence of such a contest, or how long it might last ?

This, my Lords, is one inconvenience which immediately occurred to me, and other Lords

‘ may, I believe, foresee a great many more. As
 ‘ that fund is in its own nature sacred to discharging
 ‘ the debts of the nation, I hope that, without com-
 ‘ ing to such a resolution, your Lordships will ne-
 ‘ ver agree to the applying of it in any other way,
 ‘ except in cases of the greatest necessity. Such a
 ‘ resolution I must therefore think quite unnecessary,
 ‘ and as I think it may be attended with dangerous
 ‘ consequences, I cannot agree to it.

Lord Bathurst's
speech.

Lord *Bathurst*. ‘ My Lords, the noble Lord
 ‘ who spoke last has made me think of an amend-
 ‘ ment to the resolution I proposed; and as I am
 ‘ always fond of having that noble Lord's approba-
 ‘ tion, I shall therefore propose, that the resolution
 ‘ may be to this effect, That it is the opinion of this
 ‘ house, that the sinking fund ought for the future
 ‘ to be applied, in time of peace and public tran-
 ‘ quillity, to the redeeming of those taxes which are
 ‘ most prejudicial to the trade, most burdensome on
 ‘ the manufactures, and most oppressive upon the
 ‘ poor of this nation.

Lord Scarborough's
speech.

Lord *Scarborough*. ‘ Besides the case of an inva-
 ‘ sion or rebellion, there are many other cases which
 ‘ may happen; and I believe I gave several other
 ‘ reasons for my being against coming to the resolu-
 ‘ tion proposed; therefore, tho' I am very much
 ‘ obliged to the noble Lord for the honour he does
 ‘ me, yet I cannot agree to the resolution even as
 ‘ now amended.

The Marquis of *Tweedale*, the Earl of *Winchelsea*, and the Earl of *Strafford* spoke also in favour of this resolution: However, at last, upon putting the question, it was carried in the negative without any division; upon which there was the following protest.

Die

Die Mercurii, 30 Maii 1733.

Moved to resolve,

THAT it is the opinion of this house, that the produce of the sinking fund should be applied, ^{Lords protest.} for the future, towards redeeming such taxes as are most grievous to the subject, oppressive to the manufacturer, and detrimental to trade.

Which being objected to, and debate had concerning the same,

The question was put upon the said motion,

And it was resolved in the negative.

Dissentient.

1. **B**Ecause we conceive that it would have been extremely for the honour of the house, and for the service of the public, to have entered this resolution in our books, at a time when we have so far consented, in compliance with the house of Commons, to a bill by which near half a million collected for the sinking fund, in several years, is appropriated to the service of the present year.

2. Because the sinking fund, being composed of the surplusses of funds originally granted as securities to the creditors of the public; and these surplusses arising chiefly from a reduction to 4 *per cent.* of the interest granted them, for the most part at the rate of 6 *per cent.* we cannot but think, that this saving ought to be applied according to the most inviolable rules of equity, and according to the known design, and the repeated and solemn engagements of Parliament, to a gradual discharge of the principal due to those creditors of the public, who have parted with

with a third of their revenue in this view, and upon this confidence.

3. Because we apprehend, that the method of applying large proportions of the sinking fund to the service of the current year, must in effect perpetuate the debts and taxes which lie on the nation, and is therefore injurious to the public. Had this whole fund been strictly applied from the beginning, to its proper use, we think it may be demonstrated, not only that much more of the national debt might have been discharged, but that those taxes, which are most oppressive to the poor, and most prejudicial to trade, might have been already taken off, since upwards of 480,000 *l. per ann.* belonging, as we conceive, to this fund, has been applied to other uses.

4. Because we apprehend that it cannot be for the good of the nation, nor consequently for the honour of Parliament, to separate those interests in the particular appropriations of the sinking fund, which are so wisely and so justly united in the original and general design of it, the interest of the nation, and the interest of the proprietors of the nation's debts; the former was intended to be eased, and for that purpose the latter were to be cleared as soon as possible. If it be said therefore, that the creditors of the public do not desire to be clear'd any faster than they are in the present method, nor object to the application of part of the sinking fund to other uses, we apprehend that no argument, which ought to avail in the house of Parliament, can result from such an assertion, because we conceive, that in every instance of this kind, in every application of the sinking fund, or of any of it, we are to look on ourselves, as obliged, not only to be just to the creditors of the public, but to be careful of the ease of the people, to keep the particular and general interests united as they

they originally were, not to sever them. If in fact the creditors of the public do not object to the application of such large proportions of the sinking fund to other uses than to the payment of the debts, it may be said, that no injustice is done them by any such application, according to the known maxim, *Volenti non fit injuria*; nay, it may be deemed for their private interest, to have such beneficial mortgages continued to them, as long as possible; and they may desire therefore not to be clear'd any faster than they are likely to be in the present method; but we apprehend that it cannot be for the interest of the nation, to have these mortgages continu'd any longer than is absolutely necessary to discharge the debts secured by them, and that we, by consequence, who are trustees for the people, ought to desire and endeavour that the debts may be discharged, and the load of mortgages may be removed as soon as possible. In this manner, public faith would be strictly kept, justice would be done, no injustice could be done to the creditors of the public: In the other method, and by diverting such large portions of the sinking fund, if it should be granted, that no present injustice was done to the proprietors of these public debts, yet must it be allowed, as we apprehend, that great injury is done to the nation, unless it can be prov'd, that the unnecessary continuation of debts and taxes is a national benefit.

5. Because we conceive, that if the whole produce of the sinking fund were not to be applied to the discharge of the public debts, it would be much more for the ease of trade, and advantage of the nation, that some of those grievous taxes out of which it arises, should cease, than that they should be continu'd to supply the current service at 4 *per cent.* which might certainly be supply'd by other ways at a cheaper rate; these taxes are not only grievous in themselves, but

but almost intolerable, by the manner of collecting them under the laws of excise; laws so oppressive to the subject, and so dangerous to liberty, that every man who wishes well to his country, must, in our opinion, desire to see them put a speedy end to. Most of these taxes were laid during the necessity of two long and expensive wars, and were granted only for terms of years, that so the principal and interest of the loans made on them might be paid off, in a certain limited time. Thus the nation consented to pay in some manner a double tax, in order to avoid the long and uncertain continuance of such grievous and dangerous impositions; and according to the first design, many of them would have been very near the expiration of their term at this hour. The wisdom of Parliament, indeed, thought fit afterwards to throw these taxes, and the method of discharging the public debts, into another form, which now subsists, but we cannot conceive that this was done with a view of continuing our taxes and our debts the longer: On the contrary, we are sure it was done in the view of discharging both the sooner, and it is this very view which we apprehend must be fatally disappointed, if the present method of diverting any part of the sinking fund from the payment of the public debts, be suffered to continue,

6. Because we apprehend that this method may create the utmost uneasiness in the minds of his Majesty's subjects, and may tend, if not timely prevented by the wisdom and authority of this house, to diminish their affection for his person and government. Hitherto, while they have laboured under the weight of taxes, and groaned under the oppression of excise laws, the hope of seeing speedily an end of both, has been their sole consolation; but nothing can maintain this hope, except a due application of the intire sinking fund to the discharge of those debts, for the discharge of which these taxes were

were intended and given. If some part of this fund therefore continue to be mortgaged off, and other parts to be applied to the current service, even in the midst of profound peace, this hope must sink, and despair arise in its stead. We insist with greater concern and earnestness on this point, from our observation of what has lately passed, on the occasion of attempts made to extend the cruel and arbitrary methods practised under the laws of excise, and naturally and necessarily as we apprehend flowing from them. If any new law of this kind had passed elsewhere, we persuade ourselves, it could not have prevailed in this house: But we think it the more incumbent upon us, after such an attempt and such national resentment expressed against it (both which are of public notoriety) to promote, as effectually as we are able, the quiet and happiness of his Majesty's reign, by cutting off any hopes or fears which may be still entertained, that such a project will, some time or other, succeed; and to this good and laudable end, we conceive, that nothing would have contributed more, than such a solemn declaration of the sense of this house, as is contained in the question.

*Bedford,**Shaftsbury,**Litchfield,**Craven,**Bridgewater,**Sunderland,**Gainsborough,**Ker,**Coventry,**Winchelsea and**Bruce,**Strafford,**(Nottingham,**Carteret,**Bathurst,**Gower,**Masham,**Thanet.**Tweedale,*

On *Friday* the first day of *June*, the house of ^{South-Sea} Lords went upon the examination of the directors of ^{Directors} the *South-Sea* company, &c. The present directors of that company were first called in and examined; after them the late inspectors of the company's accounts, and lastly, the former set of directors were examined. After which the Lord *Bathurst* moved
for

Motion.

for this resolution, *viz.* ‘ That it appeared to that
 ‘ house, that on the 5th day of *December* 1729, the
 ‘ general court of the *South-Sea* company then held,
 ‘ resolved, That the then present directors should be
 ‘ the trustees for the company, with relation to the
 ‘ produce of the forfeited estates of the directors and
 ‘ others in the year 1720, vested in the company
 ‘ by an act of the 7th of King *George* I. and that
 ‘ the then trustees should surrender, and deliver
 ‘ over to the said directors, the said produce, and
 ‘ all the books of account, papers, and writings re-
 ‘ lating thereto; in pursuance of the act passed in
 ‘ the then last session of Parliament: And that that
 : was the only order or direction of any general court
 ‘ of the said company, relating to the disposal of the
 ‘ produce of the said estates.

Amended
and agreed
to.

Upon this the Earl of *Illy* stood up and said,
 ‘ That he would not oppose the motion in general,
 ‘ but he thought they could not positively affirm,
 ‘ that that was the only order or direction of any
 ‘ general court relating to the disposal of that money,
 ‘ and therefore he would propose an amendment to
 ‘ the latter part of the Lord’s motion, which was,
 ‘ that it should run thus, And that it did not appear
 ‘ to them that there was any other order or direction
 ‘ of any general court of the said company, relating
 ‘ to the disposal of the said estates. Which amend-
 ‘ ment was approv’d of by the Lord *Batburst*, and
 ‘ then his motion, thus amended, was agreed to by
 ‘ the house without any opposition.

2d Motion.

Then the Earl of *Winchelsea* mov’d for the house
 to resolve, ‘ That the disposing of the forfeited
 ‘ estates of those who were the directors of the *South-*
 ‘ *Sea* company in the year 1720, without any order
 ‘ or direction of a general court for that purpose,
 ‘ was contrary to law. This motion he said he hop’d
 ‘ was such as he had no occasion to say much in
 ‘ support

‘ support of, because the words of the act of Parlia-
‘ ment were so plain and exprefs, that it was a cer-
‘ tain consequence of the resolution they had just
‘ then come to.

The Lord Chancellor offering to put the question upon this motion, the Duke of *Devonshire* stood up and spoke to this effect:

‘ I cannot, my Lords, agree to this motion, be-
‘ cause I think it is anticipating the judgment of this Duke of De-
vonshire's
speech.
‘ house, in an affair which may perhaps come before
‘ us as a court of judicature. ’Tis true, my Lords,
‘ that there does not appear to us to have been any
‘ other order or direction of any general court of
‘ that company, for the disposal of those forfeited
‘ estates, except that which is mention’d in our former
‘ resolution; but still there may be other orders;
‘ and granting th^t there never was any other order,
‘ yet we ought not, I think, to pass judgment, even
‘ upon that order, without having all proper par-
‘ ties before us, and the case fully debated and
‘ considered. As the resolution proposed is a sort
‘ of decree or determination, as to a point in which
‘ private men are certainly concerned, we ought
‘ not to pass it till the parties concerned are pro-
‘ perly before us, and are fully heard as to what
‘ they may have to say against it, for which rea-
‘ son I cannot, my Lords, agree to the resolution
‘ proposed.

The Bishop of *Bangor* and another Bishop spoke against this resolution; and the bishop of *Bangor* particularly took notice, that he could not agree to the resolution, because he thought it would be in some manner a giving of directions to the courts below, how they were to determine, in case that affair should in any shape come before them. Then the

Lord

Lord Carteret's speech.

Lord *Carteret* spoke in substance thus. ' My Lords, the words of the act of Parliament are so plain and express, and the resolution mov'd for by the noble Lord by me, is so exactly agreeable to those words, that I am really surpris'd to hear any Lord signify the least scruple as to agreeing with the motion. The words of the law are, That the produce of those forfeited estates shall be disposed of by the orders and directions of the general courts of that company, *and not otherwise*: The words of the resolution are, That the having disposed of that produce otherwise, is contrary to law. Can any thing be more evident? There may be orders of the general courts of that company, relating to the disposal of this money, which your Lordships have not seen; but can the possibility of there being any such be an argument against agreeing to this Resolution? We do not by the resolution proposed affirm, that there never were any orders of a general court for directing the disposal of that money: We affirm no fact: We only declare our opinion in a point of law, which to me is as clear and as evident as any demonstration I ever met with.

' Suppose, my Lords, that this affair does come before some of the inferior courts, and that it does then appear that there were other orders of the general courts of that company, for directing the disposal of this money, besides that which has been laid before your Lordships; the resolution now mov'd for could not in such a case be any direction to the inferior courts; they would certainly be at as full liberty as if no such resolution had ever been made: And if it should appear before any of the courts below, that no other order was ever made by any general court of that company, for directing the disposal of this money, could any court determine otherwise than according to the act of Parliament? My Lords, the case is so plain, the words

‘ words of the law are so very exprefs, that I cannot
 ‘ think there is any occasion for hearing the point
 ‘ debated, there is no room for confideration, and
 ‘ therefore I fhall be for agreeing to the refolution.

Earl of *Illy*. ‘ My Lords, tho’ there were really Earl of Illy’s
speech.
 ‘ no other order, or direction of any general court
 ‘ of the *South-Sea* company, relating to the difpofal
 ‘ of the money in queftion, befides that which has
 ‘ been laid before your Lordships, I do not know
 ‘ but that it may be pretended, that even the order
 ‘ which your Lordships have feen, was a fufficient
 ‘ authority for the difpofal of that money: It was
 ‘ certainly a fufficient authority for the trustees to
 ‘ deliver the produce of thofe eftates to the directors
 ‘ of that company, and when in purfuance of that
 ‘ order it was delivered into the hands of the direc-
 ‘ tors, I do not know but that it may be faid, that
 ‘ the terms of the act of Parliament were then com-
 ‘ plied with, and that the directors might thereafter
 ‘ difpofe of it in that way, which they thought moft
 ‘ beneficial for the company, as they do of fome
 ‘ other parts of that company’s property, without
 ‘ any particular order of a general court for that
 ‘ purpofe. This is a queftion, my Lords, which I
 ‘ fhall not pretend now to determine; I fhall not fo
 ‘ much as offer any arguments either of one fide or
 ‘ the other, but from thence I conclude, that even
 ‘ the order which we have feen deferves fome farther
 ‘ confideration, before we come to any fuch refolu-
 ‘ tion as is now propofed; for after your Lordships
 ‘ have feen and confidered that order, your coming
 ‘ to fuch a refolution is certainly a determination,
 ‘ that the order you have feen and confidered, is no
 ‘ proper or legal order for the difpofal of that mo-
 ‘ ney: The courts below will certainly look upon it
 ‘ as fuch; and even tho’ they fhould be of opinion,
 ‘ that that order was a fufficient authority for the
 ‘ difpofing of that money, and that no future order

‘ was requisite, yet they would be loath to give a
 ‘ judgment so contrary to what appeared to have
 ‘ been the judgment of this house.

‘ The point now before us cannot be said to be
 ‘ an indisputable point, and therefore, I must think
 ‘ that your Lordships coming to such a resolution is
 ‘ a determining of a question in dispute, and a ma-
 ‘ king a sort of decree against the gentlemen who
 ‘ were at that time in the management of that com-
 ‘ pany’s affairs, before they had been heard either
 ‘ by themselves or their counsel, upon a question in
 ‘ which both their honour and interest are so nearly
 ‘ concerned: This, my Lords, is a method of pro-
 ‘ ceeding which, I hope, this house will never come
 ‘ into; I hope your Lordships will never come to
 ‘ any resolution which may affect either the charac-
 ‘ ter or the estate of any private man, without first
 ‘ giving him an opportunity to be heard against it.

‘ We ought, my Lords, to consider that we are
 ‘ a court of equity, and tho’ it should appear that
 ‘ the money arising from those forfeited estates had
 ‘ been disposed of without such an authority as was
 ‘ necessary in the strict terms of law, yet if it has been
 ‘ disposed of in the best manner for the benefit of
 ‘ the company, the then directors ought in equity
 ‘ to stand acquitted, they ought not to be loaded
 ‘ with any thing like a sentence of so august an as-
 ‘ sembly against them, and therefore, my Lords, it
 ‘ is really my opinion, that you ought not to come
 ‘ to such a resolution as now moved for, till the af-
 ‘ fair comes properly before you, and all parties are
 ‘ heard what they have to say, either in law or equi-
 ‘ ty, in their own behalf, for which reason I must
 ‘ move for the previous question.’

Earl of Scar-
 borough’s
 speech.

Earl of *Scarborough*. ‘ My Lords, as to the or-
 ‘ der of the general court of the *South-Sea* company,
 ‘ which has been laid before your Lordships, surely
 ‘ it cannot be looked on either in law or equity, as
 ‘ an

‘ an order directing how the money in question was
‘ to be disposed of, nor can it ever be presumed that
‘ it will be the opinion of any court, or of any man,
‘ that an order directing only who should be the
‘ trustees of the company as to that money, was an
‘ order for directing to what uses it ought to be ap-
‘ plied; therefore, if that point were to be expressly
‘ determined, it could not be of any bad consequence
‘ in any case whatever; but by the resolution pro-
‘ posed, even that question, if it must be called a
‘ question, is not to be expressly determined: We
‘ are now, my Lords, to determine nothing but a
‘ point of law, and a point of law which to me ap-
‘ pears so plain, that I cannot hesitate one moment
‘ in giving my opinion. The words of the act of
‘ Parliament are so very express, that there can be
‘ no doubt of its being contrary to law, to dispose
‘ of that money, without any order or direction of
‘ a general court for that purpose; and I am sure it
‘ is as plain, that the delivering of that money by
‘ the trustees to the directors, is not such a disposal
‘ of the money as is intended by the act.

‘ If it shall afterwards appear, that the produce of
‘ those forfeited estates was disposed of according to
‘ the directions of general courts, the resolution, or,
‘ if your Lordships please, the determination now
‘ proposed, can affect no man, and if there never
‘ was any other order or direction of a general court
‘ for that purpose, besides what we have seen, our
‘ resolution can affect none but those, who without all
‘ question are guilty at least of an error, for which
‘ they certainly deserve to be censured.

‘ I do consider, my Lords, that this house is a
‘ court of equity, but the resolution moved for has
‘ relation only to a point of law, it has no manner
‘ of relation to equity, nor can any man be thereby
‘ debarred from having relief in equity, either before
‘ your Lordships, or before any of the courts of e-
‘ quity below; and therefore if those gentlemen

' should hereafter come to shew, that tho' they ne-
 ' glected the due forms of law, they did nevertheless
 ' dispose of that money in such a manner as was
 ' most for the benefit of the company, I should not
 ' think myself any way restrained by this resolution,
 ' from giving them all the relief in equity that their
 ' case can deserve. And therefore I shall make no
 ' scruple of agreeing to a resolution which I think
 ' just, a resolution which I really think absolutely
 ' necessary, because it will oblige those who are con-
 ' cerned to be at pains to clear up, if they can, an
 ' affair which is certainly as yet very obscure, and
 ' which your Lordships are in honour obliged to see
 ' fully clear'd up, if it be possible.'

Besides the speakers before-mentioned, the Duke
 of *Newcastle* spoke against the resolution, and the
 Earl of *Chesterfield* for it. At last the previous
 question was put, and upon a division there were of
 Lords then present 45 contents, and 57 not contents;
 and of proxies there were 25 contents, and 18 not
 contents, so that it was carried against the resolution
 by a majority of five.

Lord Ba-
 thurst's
 speech and
 motion
 for a com-
 mittee of in-
 quiry.

Next day being *Saturday* the 2d of *June*, the
 Lord *Bathurst* stood up and spoke in substance as
 follows, *viz.* ' My Lords, notwithstanding all the
 ' pains your Lordships have been at in your inqui-
 ' ries, as to the disposal of the produce of the for-
 ' feited estates of those who were directors of the
 ' *South-Sea* company in the year 1720, I cannot say
 ' that I have met with any satisfaction as to that af-
 ' fair ; I believe there is no Lord in this house who
 ' can say he has met with a full satisfaction as to
 ' that particular. It appears that the accounts of
 ' that company have been so blended together, and
 ' have been kept in so confused and irregular a man-
 ' ner, that there is no coming at the knowledge of
 ' any

‘ any one particular, without a thorough inquiry into
‘ the whole. From what already appears to your
‘ Lordships, I believe, you will be all of opinion,
‘ that such a general inquiry is now become abso-
‘ lutely necessary ; because we are, in my opinion,
‘ obliged in honour to see the affair relating to the
‘ disposal of those estates fully cleared up ; and since
‘ we now see that there is no possibility of doing it,
‘ without a general inquiry into the whole affairs of
‘ that company, we are, my Lords, in honour en-
‘ gaged not only to enter upon, but to carry through
‘ that inquiry with the utmost exactness.

‘ By the very first act of Parliament that was
‘ made relating to this affair, the trustees were di-
‘ rected to give a particular account, in writing, to
‘ the King and to either house of Parliament, of the
‘ effects of their proceedings. To what end, my
‘ Lords, were the trustees directed to give such an
‘ account ? Must it not be to the end, that the King
‘ and the two houses of Parliament, should be as it
‘ were the guardians of the company, with respect
‘ to the produce of those estates ? The intention cer-
‘ tainly was, that the King, the Lords, and the
‘ Commons should see that money fairly collected,
‘ and honestly disposed of for the benefit of the pro-
‘ prietors of that company, according to the direc-
‘ tions of that act, or any future act of Parliament
‘ that should be made for regulating the disposal of
‘ that money. This house therefore is in honour
‘ obliged to see that it was honestly disposed of. In
‘ such a case, are we to satisfy ourselves with being
‘ told, that tho’ the terms of the act of Parliament
‘ were not strictly complied with, yet the money
‘ was equitably disposed of for the benefit of the
‘ proprietors ; especially when this equitable dispo-
‘ sal comes out at last to be a disposal of it towards
‘ payment of debts, as to which no man can tell
‘ how or when they were contracted ? And, my
‘ Lords, I must observe, that it looks much the

‘ more suspicious, because that such a large debt was
 ‘ paid off, without any orders or directions of a ge-
 ‘ neral court of that company for so doing; if such
 ‘ directions had been asked for, it may, at least be
 ‘ presumed, that the general court would in their
 ‘ turn have asked, how such a large debt came to be
 ‘ contracted?

‘ Therefore, my Lords, as a general inquiry into
 ‘ that company’s affairs is become absolutely neces-
 ‘ sary, and as it cannot be supposed that we shall
 ‘ have time during this session of Parliament, or even
 ‘ during any one whole session of Parliament, to go
 ‘ through such a general inquiry, I shall take the
 ‘ liberty to move, That a committee may be ap-
 ‘ pointed to examine into the management of the
 ‘ affairs of the *South-Sea* company, ever since the year
 ‘ 1720, and for that purpose to sit during the recess
 ‘ of Parliament, at such places and times as they
 ‘ shall appoint, and that they may have power to
 ‘ send for persons, papers and records.

‘ The appointing of such a committee is, my
 ‘ Lords, a method that in former cases has been
 ‘ practised by both houses; and if the other house
 ‘ thinks proper, they may likewise appoint a com-
 ‘ mittee of their house, to sit in conjunction with
 ‘ the committee to be appointed by your Lordships,
 ‘ to the end that both houses may, against next session
 ‘ of Parliament, be made fully acquainted with all
 ‘ the proceedings and transactions in the manage-
 ‘ ment of that company’s affairs. By this method,
 ‘ my Lords, if there has been any mismanagement,
 ‘ as it seems apparent there has, your Lordships will
 ‘ then be able fully and clearly to discover who have
 ‘ been the authors of such mismanagement; you
 ‘ will be able to distinguish between the guilty
 ‘ and the innocent: The characters of the latter will
 ‘ thereby be vindicated from those jealousies and sus-
 ‘ picions they now labour under, and upon the
 ‘ guilty, I hope, your Lordships will inflict such
 ‘ penalties,

‘ penalties, as may prevent all such practices for the
 ‘ future. This committee, which I now move for,
 ‘ ought, I think, to be chosen by ballot, and may
 ‘ consist of any number your Lordships shall please
 ‘ to appoint; seven will, I believe, be sufficient, and
 ‘ therefore I shall move for that number.’

Lord *Carteret*. ‘ My Lords, I shall readily agree Lord Carteret's speech
 ‘ with this motion, because I think we have met
 ‘ with so little satisfaction as to the particular affair
 ‘ we have inquired into, that it is incumbent upon
 ‘ us; we are, out of that regard which we ought al-
 ‘ ways to have for the honour and dignity of this
 ‘ house, obliged, we are, in duty to our country, bound
 ‘ to proceed farther, and to make a general inquiry
 ‘ into the whole management of that company's
 ‘ affairs ever since the year 1720. The creditors
 ‘ of the public ought always to be under the special
 ‘ care of the public; and as this house has joined
 ‘ with the other parts of the legislature, in vesting
 ‘ almost the whole debts of the nation, into the three
 ‘ great companies of *East-India*, *Bank*, and *South-*
 ‘ *Sea*, your Lordships are, I think, in honour obli-
 ‘ ged to take care, that the creditors of the public
 ‘ shall not be cheated and defrauded by those, whom
 ‘ they may from time to time chuse to be the direc-
 ‘ tors and managers of their affairs.

‘ This, my Lords, ought always to be our care,
 ‘ but more especially are we bound to look to it,
 ‘ when some very odd pieces of management ap-
 ‘ pear even at the bar of our own house. If the
 ‘ books of the *South-Sea* company had been kept in
 ‘ a distinct and regular manner, it would have been
 ‘ easy for your Lordships to have had from them all
 ‘ the satisfaction that could have been desired, either
 ‘ with respect to the general state of that company's
 ‘ affairs, or with respect to any particular branch of
 ‘ their business; but from the inquiry we have al-

‘ ready made, it appears, that the books of that
 ‘ company have been kept in a very confused and
 ‘ irregular manner; in such a manner as is altogether
 ‘ unintelligible to those who are strangers to the
 ‘ management of their affairs, and cannot, we find,
 ‘ be explained even by those who are the book-
 ‘ keepers and servants of the company. From
 ‘ hence, my Lords, I think there is great cause to
 ‘ suspect some lurking frauds: In this, as well as in
 ‘ all such cases, I am apt to believe, that this ob-
 ‘ scurity proceeds from a design; that their books
 ‘ were kept in this confused manner, on purpose to
 ‘ conceal some practices which the managers durst
 ‘ not venture to expose to public view.

‘ This consideration alone is sufficient, in my opi-
 ‘ nion, to engage your Lordships to enter into a
 ‘ general inquiry as to the affairs of that company;
 ‘ and since it appears that such an inquiry must take
 ‘ up a very long time, and will require an exact
 ‘ scrutiny into many volumes of books of account,
 ‘ I think the only effectual way of carrying on such
 ‘ an inquiry will be, to appoint a committee for that
 ‘ purpose, to sit during the recess of Parliament, in
 ‘ order that they may have time to prepare matters,
 ‘ and to put the accounts of that company into as
 ‘ distinct and clear a method as is possible, between
 ‘ this and next session of Parliament; for which rea-
 ‘ son I am for agreeing with the motion made by the
 ‘ noble Lord near me.’

Duke of
 Newcastle's
 speech.

Duke of *Newcastle*. ‘ My Lords, I shall always
 ‘ be ready to join in any measure which I think
 ‘ proper and consistent with our constitution, for in-
 ‘ quiring into the management of any public affair,
 ‘ when such inquiry becomes necessary; but as to
 ‘ the appointing of such a committee as is now pro-
 ‘ posed, I must think it is neither proper nor con-
 ‘ sistent with our constitution. I even doubt, my
 ‘ Lords,

‘ Lords, if such a committee can be appointed any
‘ other way, than by an act of Parliament; for if
‘ this house should assume a power of appointing
‘ such committees, it would be giving in some mea-
‘ sure, a perpetual being to this house; it would be
‘ putting it out of his Majesty’s power to prorogue
‘ the house; for if we did not sit as a house, we
‘ might be always sitting as a committee; we might
‘ delegate what power we pleased to such commit-
‘ tees, we might make them of what number we
‘ pleased; we might even order, that every Lord
‘ that came should have a vote. If such a commit-
‘ tee should be appointed, it would not be easy, my
‘ Lords, to confine it to any particular branch of
‘ business; it would not be easy to confine them to
‘ the inquiring only into the affairs recommended to
‘ them by the house, they might find pretences to
‘ inquire into any other affair they pleased, as being
‘ some way connected with the affair into which
‘ they had been appointed to inquire, and thus they
‘ might extend their inquiries into all the public af-
‘ fairs of the nation, and into all the business of the
‘ administration. A committee of both houses sitting
‘ during the recesses of Parliament, with power to send
‘ for persons, papers and records, and without any
‘ restraint upon that power, would be a most ter-
‘ rible thing, and might be turned to the oppression
‘ of many of his Majesty’s best subjects.

‘ But granting, my Lords, that the appointing of
‘ such a committee, in the manner now proposed, is
‘ consistent with our constitution, yet, I believe, your
‘ Lordships will all allow, that it is a very extraor-
‘ dinary method of proceeding, and therefore ought
‘ never to be practised but in matters of the greatest
‘ consequence, and such as require the utmost dis-
‘ patch, neither of which can be so much as pre-
‘ tended with respect to the affair in hand. It is so
‘ far otherwise, that, in my opinion, there has no-
‘ thing of a fraud appeared in the late management
‘ of

‘ of the *South-Sea* company’s affairs, from any inquiries we have made : It has, my Lords, been made appear at your bar, that the produce of the late directors estates was all applied to the benefit of the proprietors, by paying off the company’s debts ; and if such application was made without the directions of a general court, it was only a mistake as to form, it was only neglecting to have that express approbation, which the directors might have had from any general court of that company ; and as that was a public transaction, and well known to all the proprietors, their never having found fault with it in any general court of that company, held since that time, is, in my opinion, a tacit approbation of what was then done.

‘ But, my Lords, if it had actually appeared to us, that there had been frauds committed, if any of your Lordships are suspicious of such a thing, you may, at the beginning of next session of Parliament, enter upon such an inquiry, and if you enter upon it at the beginning of a session, you may certainly finish it before the end of the session : In the mean time, neither the affair itself, nor the company, nor any private person, can suffer by the delay : It is not so much as suspected, that any gentleman, concerned in the late management of that company’s affairs, will withdraw ; and the books of the company, and all the papers and writings necessary for such an inquiry, must remain in the state they are now in : It is not to be supposed, that any of them will be alter’d, cancelled, or destroyed, because the affairs of that company are now under the management of a quite different set of gentlemen, who, of consequence, have the custody of all those books and writings, and who will certainly never permit any thing to be done, that may involve them in the guilt of other men.

‘ In short, my Lords, whatever state the com-
 ‘ pany’s affairs may be in, as there does not appear
 ‘ to us any complaint among the proprietors of that
 ‘ company, since no application has been made to
 ‘ us by them, I can see no necessity for our entering
 ‘ upon it immediately, and, for that end, to make
 ‘ such an incroachment upon our constitution, as
 ‘ would be made by appointing a committee in
 ‘ the manner proposed, and therefore I cannot agree
 ‘ to it.

Earl of *Chesterfield*. ‘ My Lords, The appoint-
 ‘ ing of such a committee, as is now proposed, is, Earl of Ches-
 terfield’s
 speech.
 ‘ in my opinion, no way inconsistent with our con-
 ‘ stitution, but, on the contrary, has been frequent-
 ‘ ly practised, and is often necessary for preparing
 ‘ things to be laid before the next session of Parlia-
 ‘ ment. From such a committee there is nothing to
 ‘ be dreaded by any but those who have been guilty
 ‘ of crimes, and, under a just and prudent admini-
 ‘ stration, criminals ought never to be left at ease; it
 ‘ ought always to be the lot of the guilty to be un-
 ‘ der continual fears and apprehensions; it is what
 ‘ they always will be, whether we appoint such a
 ‘ committee or no. It will be impossible for this
 ‘ house, or any committee we shall appoint, to in-
 ‘ spect and examine so many voluminous books of
 ‘ accounts, or to extract any thing that may be
 ‘ clear and satisfactory, out of such a heap of con-
 ‘ fusion, during such a short time as that of the
 ‘ usual continuance of one session of Parliament.

‘ As to there being no application from the pro-
 ‘ prietors, it is of no manner of signification in the
 ‘ present case: It is well known, that there are loud
 ‘ complaints against the late management of that
 ‘ company’s affairs, and from what we have seen and
 ‘ heard at our own bar, it appears, that these com-
 ‘ plaints are not altogether groundless. Our having
 ‘ had no application, from the proprietors of that
 ‘ com-

‘ company, made to us, is, I think, so far from
‘ being an argument against our entering upon an
‘ inquiry, that it is a strong argument for it: Con-
‘ sidering what we hear without doors, considering
‘ what we have seen within doors, the want of such
‘ an application ought to be to us a convincing proof,
‘ that most of those, who usually compose the gene-
‘ ral courts of that company, are under an influence
‘ which prevents their looking into their own af-
‘ fairs. But consider, my Lords, that, among the
‘ proprietors, there are many widows and orphans,
‘ there are many persons who cannot appear at ge-
‘ neral courts, or look into the management of their
‘ own affairs; these, my Lords, are properly under
‘ your care, and I hope your Lordships will never
‘ think that time ill-spent, which is spent in doing
‘ what may prevent the intire ruin of the widow and
‘ the fatherless.

‘ From experience we may learn, that the pro-
‘ prietors of public stocks never come to either house
‘ of Parliament to complain, till their affairs are
‘ past redress; as long as they can sell their proper-
‘ ty at any price, they are afraid of applying for re-
‘ dress, lest the current price of their property should
‘ thereby be diminished; and therefore they never
‘ come to complain as long as there is any thing left.
‘ Then indeed, my Lords, they resolve upon ap-
‘ plying to Parliament, and, upon such occasions, we
‘ generally find, that women and children are the
‘ greatest sufferers.

‘ To conclude, my Lords, as neither your Lord-
‘ ships nor the public have receiv’d any satisfaction
‘ from the inquiry hitherto made, it is become ne-
‘ cessary for us to appoint such a committee as has
‘ been mov’d for, because if the session should break
‘ up without proceeding any farther than we have
‘ yet done, it will be believed, that the whole affair
‘ is at an end; from thence, my Lords, there may
‘ be

‘ be conjectures made by the public, which may be
 ‘ derogatory both to the honour and the dignity
 ‘ of this house, and therefore I am for agreeing with
 ‘ the motion the noble Lord by me was pleased to
 ‘ make.’

The Earl of *Strafford* declared, that he was for the motion, but said, that as the last committee of that nature had consisted of twelve Lords, therefore he would propose that the motion should be for appointing a committee of twelve; which the Lord *Batburst* approv’d of.

Besides the Lords above-mention’d, the Bishop of *Lincoln* spoke for the motion, and the Earl of *Ilay*, the Earl of *Warwick*, the Lord Viscount *Falmouth*, and the Bishop of *Bangor* against it; and at last the question being put, it was carried in the negative without any division; upon which there was the following protest.

Die Sabbati, 2 Junii 1733.

THE house being moved to appoint a committee to examine into the proceedings of the *South-Sea Company*; Lords protest.

After debate,

The question was put, Whether a select committee shall be appointed, of twelve Lords to be chosen by ballot, to examine into the transactions and proceedings of the *South-Sea company*, from the second day of *February* 1720, and to lay their report before this house?

It was resolved in the negative.

Dissentient.

Dissentient.

1. **B**Ecause the present debt of the kingdom being almost wholly incorporated into the three great companies, it behoves the legislature, who are the proper guardians of the public creditors, to take all possible care, that they suffer no injury in their estates by any frauds committed in the management of them: For though the directors are chosen by a general court, they are invested with such extensive powers, that they are capable, by abusing their trust, of doing infinite mischief to the proprietors, unless their proceedings are vigilantly watch'd and controlled by that supreme authority under whose sanction they act, and by which only such practices can be effectually prevented or punished.

2. Because this house having been induced, by the reasons before-mention'd, to begin an inquiry into the management of the *South-Sea* company, we apprehend that our honour is engag'd to answer those expectations which the public had so justly conceiv'd from it; and since the advanced season of the year will not permit us to finish this examination, during the present session of Parliament, we apprehend a committee was the only proper way left to unravel such dark and intricate affairs, which require a very nice inspection into many voluminous books; it appearing to us, by what we have seen and heard at our bar, that the accounts of this company have been kept in a most confused, irregular, and unwarrantable manner, in order, as we apprehend, to conceal frauds, and defeat all inquiries.

3. Because the great distresses and calamities of the year 1720, having been occasioned by the directors at that time declaring such extravagant dividends, as the company was not able to support, the legislature have, in all their acts relating to this corporation, which have passed since that time, taken the utmost

care to prohibit and restrain the directors from being guilty of the like practices; yet notwithstanding this, they have been so far from taking warning by the examples made of their predecessors, that it appears, by the accounts laid before this house, that altho' by the cash which came into their hands, and by the sale of four millions of stock to the bank, and by the loans of stock and otherwise, they were sufficiently enabled to pay off the debt of five millions four hundred thousand pounds, then owing by the company, as in justice and prudence they ought to have done; yet influenced, as we have reason to believe, by the great corrupt views of some few, who may have assumed to themselves the whole management of the affairs of this corporation, they left great part of their debt on bonds at interest unpaid, and by unwarrantable dividends out of the money, in order to give a fallacious value to their stock, multitudes of his Majesty's subjects have been defrauded, and they have, without the knowledge of the proprietors, not only dissipated above two millions three hundred thousand pounds received from the directors estates, but they have likewise brought a new debt of two millions upon the company, and thereby diminish'd the capital of every proprietor's stock; by which means great injury and injustice have in numerous instances been done to orphans, and the reversionary heirs of these estates, to the great dishonour of the public faith, and discredit of the nation.

4. Because, altho' the directors applied to Parliament in the year 1727, for their authority to dispose of the produce of the estates of the forfeiting directors, pretended to be then remaining in their hands, yet it appears by the accounts now before us, that the greatest part of this money had been before actually divided out in extraordinary dividends, and when, in order to give some colour to these proceedings, they obtain'd an act of Parliament to dispose of these

these effects, they never called a general court to acquaint them with the state of this account, or to take their directions for the application of any remaining part of these estates, notwithstanding they were expressly required so to do by the act.

5. Because there is reason to believe, from a general view of the same accounts, that there are many articles hitherto unexamin'd, under which a multitude of frauds may be concealed; such as buying, selling, creating and issuing of bonds; employing irregularly the cash of the company, which lay in their hands, while the proprietors were paying interest for money borrow'd of the bank; in transacting stock abroad, and selling fictitious stock at home, with many other practices of the like nature, too long and various to be particularly explain'd: For these reasons, we conceive, it was absolutely necessary to have appointed a committee, as the only method to distinguish the few, who probably are criminal, from many gentlemen who may at present lie unjustly under the same imputation; especially at a time, when a bill was actually depending for dividing the capital of this company, 3 4ths into annuities, and leaving the remaining quarter to be a trading-stock, with a large debt and demands upon it unliquidated, and the value of it consequently unknown; which should it pass into a law, will in all probability promote and encourage the infamous practice of stock-jobbing, to the ruin of great numbers of his Majesty's subjects.

6. Because the other house have frequently appointed commissioners to inspect the public accounts, during the interval of Parliament, as the only practicable method of arriving at any knowledge in such affairs; a method indeed too much disused of late years; we therefore apprehend, that no just objection either was, or could be made to a committee, which

which is perfectly agreeable to the nature of our constitution, cannot be of any prejudice to the company, and being confined to a particular inquiry, can give no grounds of apprehension to any but those who are afraid it may lead to farther discoveries of iniquitous contracts, and corrupt bargains in the settlement and transactions of this company, since the year 1720, which some persons have endeavoured with so much industry to conceal.

7. Because we think it highly expedient at this time to vindicate the public faith of the nation, lest foreigners should be induced, by the many instances of fraud and corruption, which have been of late discovered in other corporations, suddenly to withdraw their effects out of our funds, and thereby totally destroy public credit, and plunge us into inextricable difficulties.

8. Because the acts made use of to divert us from our duty, and defeat this inquiry, give us reasons to prosecute it with fresh vigour; for impunity of guilt (if any such there be) is the strongest encouragement to the repetition of the same practices in future times, by chalking out a safe method of committing the most flagitious frauds, under the protection of some corrupt and all-screening minister.

9. For these reasons we think ourselves under an indispensable obligation to vindicate our own honour, by leaving our testimonies in the journals of this house, that we are not under the influence of any man whatsoever, whose safety may depend on the protection of fraud and corruption; and that we entered upon this inquiry with a sincere and just design of going to the bottom of the evil, and applying to it the most proper and effectual remedies.

<i>Strafford</i>	<i>Cobham,</i>	<i>Carteret,</i>
<i>Suffolk,</i>	<i>Montrose,</i>	<i>Marchmont,</i>
<i>Masbam,</i>	<i>Winchelsea and</i>	<i>Thanet,</i>
<i>Bedford,</i>	<i>(Nottingham,</i>	<i>Chesterfield,</i>
<i>Batkurst,</i>	<i>Tweedale,</i>	<i>Berkshire,</i>
<i>Litchfield,</i>	<i>Coventry,</i>	<i>Bruce,</i>
<i>Shaftsbury,</i>	<i>Stair,</i>	<i>Gower.</i>
<i>Craven,</i>	<i>Bridgewater,</i>	

After this there was nothing extraordinary happened in either house of Parliament, and upon *Wednesday* the 11th of *June*, his Majesty came to the house of Peers, and gave the royal assent to several public and private bills.

Then his Majesty made the following speech to both houses of Parliament, *viz.*

My Lords and Gentlemen,

King's
speech.

‘ **T**HE season of the year, and the dispatch
‘ you have given to the public business, make
‘ it proper for me to put an end to this session of
‘ Parliament.

Gentlemen of the house of Commons,

‘ I return you my thanks for the provisions you
‘ have made for the service of the current year. I
‘ have never demanded any supplies of my people
‘ but what were absolutely necessary for the honour,
‘ safety, and defence of me and my kingdom; and
‘ I am always best pleased, when the public expences
‘ are supplied in a manner least burdensome to my
‘ subjects.

My Lords and Gentlemen,

‘ I cannot pass by unobserved the wicked endeavours, that have lately been made use of to inflame the minds of the people, and by the most unjust misrepresentations to raise tumults and disorders,

orders, that almost threatened the peace of the kingdom ; but I depend upon the force of truth, to remove the groundless jealousies, that have been raised, of designs carrying on against the liberties of my people, and upon your known fidelity, to defeat and frustrate the expectations of such, as delight in confusion. It is my inclination, and has always been my study, to preserve the religious and civil rights of all my subjects. Let it be your care to undeceive the deluded, and to make them sensible of their present happiness, and the hazard they run of being unwarily drawn, by specious pretences, into their own destruction.

And then the Lord Chancellor, by his Majesty's command, prorogued them to *Thursday* the 26th of *July* following.

The seventh session of the third Septennial Parliament.

ON the 17th of *January* his Majesty opened the session with the following speech, viz.

My Lords and Gentlemen,

THE war which is now begun and carried on against the Emperor with so much vigour, by the united powers of *France*, *Spain*, and *Sardinia*, is become the object of the care and attention of all *Europe* ; and tho' I am no ways engaged in it, and have had no part, except by my good offices, in those transactions which have been declared to be the principal causes and motives of it, I cannot sit regardless of the present events, or be unconcerned for the future consequences of a war undertaken and supported by so powerful an alliance.

King's speech.

‘ If ever any occasion required more than ordinary prudence and circumspection, the present calls upon us to use our utmost precaution, not to determine too hastily upon so critical and important a conjuncture, but to consider thoroughly, what the honour and dignity of my crown and kingdoms, the true interest of my people, and the engagements we are under to the several powers we are in alliance with, may in justice and prudence require of us.

‘ I have therefore thought it proper to take time to examine the facts alledged on both sides, and to wait the result of the councils of those powers, that are more nearly and immediately interested in the consequences of the war, and to concert with those allies, who are under the same engagements with me, and have not taken part in the war (more particularly the States General of the united provinces) such measures, as shall be thought most adviseable for our common safety, and for restoring the peace of *Europe*.

‘ The resolutions of the *British* Parliament, in so nice a juncture, are of too great moment not to be carefully attended to, and impatiently expected by all, and not least by those, who will hope to take advantage from your determinations, whatever they shall be, and to turn them to the prejudice of this kingdom. It must therefore be thought most safe and prudent thoroughly to weigh and consider all circumstances, before we come to a final determination.

‘ As I shall have, in all my considerations upon this great and important affair, the strictest regard to the honour of my crown, and the good of my people, and be governed by no other views, I can make no doubt, but that I may intirely depend on the support and assistance of my Parliament, without exposing myself, by any precipitate declarations

‘ tions, to such inconveniences, as ought, as far as
‘ possible, to be avoided.

‘ In the mean time, I am persuaded, you will
‘ make such provisions, as shall secure my kingdoms,
‘ rights, and possessions, from all dangers and insults,
‘ and maintain the respect due to the *British* nation.
‘ Whatever part it may, in the end, be most rea-
‘ sonable for us to act, it will, in all views, be neces-
‘ sary, when all *Europe* is preparing for arms, to
‘ put ourselves in a proper posture of defence. As
‘ this will best preserve the peace of the kingdom,
‘ so it will give us a due weight and influence in
‘ whatever measures we shall take in conjunction
‘ with our allies. But should the defence of the
‘ nation not be sufficiently provided for, it will make
‘ us disregarded abroad, and may prove a tempta-
‘ tion and encouragement to the desperate views of
‘ those, who never fail to flatter themselves with the
‘ hopes of great advantages from public troubles
‘ and disorders.

Gentlemen of the house of Commons.

‘ I shall order the estimates to be laid before you
‘ of such services, as require your present and im-
‘ mediate care. The augmentation, which will be
‘ proposed for the sea service, will be very conside-
‘ rable; but I am confident, it will be thought by
‘ you reasonable and necessary. I must particularly
‘ recommend to your care the debt of the navy,
‘ which has every year been laid before you; but
‘ from the present circumstances of the times, I be-
‘ lieve, you will think it now requires some provi-
‘ sion to be made for it; which cannot be longer
‘ postponed, without manifest detriment to the pub-
‘ lic service.

‘ As these extraordinary charges and expences are
‘ unavoidable, I make no doubt but you will effec-
‘ tually raise the supplies necessary for defraying of
‘ them, with that readiness and dispatch, and with

‘ that just regard to the true interest of my people,
 ‘ which this Parliament has hitherto shewn upon all
 ‘ occasions.

My Lords and Gentlemen,

‘ It is at all times to be wished, that the business
 ‘ of Parliament might be carried on, free from heats
 ‘ and animosities, and with that temper, which be-
 ‘ comes the justice and wisdom of the nation : At
 ‘ this time it is more particularly to be desired, that
 ‘ this session may not be protracted by unnecessary
 ‘ delays, when the whole kingdom seems prepared
 ‘ for the election of a new Parliament; an event,
 ‘ which employs the attention of all *Europe*. And
 ‘ I am very well pleased, that this opportunity of-
 ‘ fers, of taking again the sense of my people in the
 ‘ choice of a new representative, that the world may
 ‘ see how much their true sentiments have been mis-
 ‘ taken, or misrepresented. Those who see and hear
 ‘ only at a distance, may easily be imposed upon,
 ‘ and from thence conceive false hopes or fears. But
 ‘ I am confident, a little time will effectually re-
 ‘ move all groundless surmises ; and it will be found
 ‘ that *Great Britain* is always ready to act that part,
 ‘ which the honour and interest of the nation calls
 ‘ upon them to undertake.’

As soon as his Majesty was retired, and the Com-
 mons returned to their own house, the right honou-
 rable the Lord *Hervy*, in the house of Lords, made
 a short speech, and moved for an address to his Ma-
 jesty, which motion was seconded by the Lord *Ca-*
dogan. To this motion there was no opposition
 made, nor any amendment offered to the terms of
 the address proposed, only the Earl of *Chesterfield*
 said, that he hoped, no words or expressions that
 might be put into their address, should afterwards be
 made use of, either for or against any proposition
 that might afterwards be made, or any question that
 might

might arise in that house; so that a committee was immediately named to draw up the address, which they accordingly did, and the same being agreed to, was as follows, *viz.*

Die Jovis, 17 Januarii 1734.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal Lords Ad-
dress.
subjects, the Lords spiritual and temporal
in Parliament assembled, beg leave, in the hum-
blest manner, to return your Majesty our grateful
and sincere thanks, for your most gracious speech
from the throne.

Your Majesty has given too many proofs of
your good offices and endeavours to preserve the
public peace and tranquillity, for us not to be
thoroughly persuaded, that your Majesty cannot,
regardless and unconcerned, behold a war now un-
happily begun in *Europe*, undertaken by so pow-
erful an alliance, and prosecuted with so much
vigour.

And as no occasion can require more caution,
more wisdom and more circumspection, than the
present, to dictate what part is the most proper for
Great Britain to act; so we have the fullest satis-
faction in reflecting, in whose breast it lies, to make
that determination for us.

And as your Majesty has avoided coming to
any final determination, till all engagements, by
which you are bound to the several powers con-
cerned, are duly examined, till all facts are fully
and fairly stated, and till the result of the councils
of other powers, in the same situation with your
Majesty, are known; so we cannot but look on
this prudent suspense of your resolutions, as an
earnest of our safety in your Majesty's councils;
not doubting, but the same wisdom which prompt-
ed your Majesty to delay your determination, will

‘ also direct your choice, whenever you shall come
‘ to make it.

‘ The whole series of your Majesty’s transactions,
‘ during your most glorious and happy reign, has
‘ convinced us, that there is no task to which you
‘ are unequal, nor any difficulties you cannot sur-
‘ mount: We therefore beg leave to assure your
‘ Majesty, not only of our gratitude for your past,
‘ but our reliance on your future care; and intreat
‘ your Majesty to believe, that it is as impossible for
‘ us, who are benefited by the merit of that con-
‘ duct, not to do every thing in our power to de-
‘ serve it, as it is even for those who wish it less, not
‘ to allow it.

‘ Whatever expectations therefore, those who are
‘ envious of the prosperity, jealous of the honour, or
‘ rivals to the interest of the *British* nation, may con-
‘ ceive from the result of our deliberations in Parlia-
‘ ment; yet when all *Europe* shall see, that every
‘ new opportunity we have of declaring our senti-
‘ ments, is a new proof of the harmony subsisting
‘ between your Majesty and your subjects, and of
‘ the confidence they place in you, we doubt not,
‘ but that all hopes of advantage to be taken from
‘ what shall pass among us, will be immediately dis-
‘ pelled, and that the zeal, vigour, and unanimi-
‘ ty, that shall appear among us, will not only
‘ double the assiduity of those who court your Ma-
‘ jesty’s friendship, but the apprehensions of those
‘ (if any such there are) who may provoke your re-
‘ sentment.

‘ And because the surest way, in these general
‘ troubles and commotions, to prevent any design
‘ being formed to molest or annoy your Majesty’s
‘ dominions, is to shew how unsuccessful such a de-
‘ sign must prove; nothing shall be wanting on our
‘ part, that may conduce to the strengthening your
‘ Majesty’s hands, and putting the nation, at this
‘ critical and important juncture, in such a posture
‘ of

‘ of defence, as shall effectually protect its honour
 ‘ from any insult, its safety from any danger, and
 ‘ its tranquillity from any attempt to disturb it.

‘ We beg leave also to assure your Majesty, that
 ‘ the strict and due regard we always pay to your
 ‘ royal recommendation, as well as a proper concern
 ‘ for the support of our own characters and dignity,
 ‘ will certainly make us avoid, with the utmost cau-
 ‘ tion, all heats and animosities in our debates, that
 ‘ we may shew, with a becoming unanimity, our
 ‘ duty to your Majesty, our care of the public wel-
 ‘ fare, and our regard to the interests and liberties
 ‘ of the people: We will also prevent, as far as in
 ‘ us lies, any improper delays retarding the dispatch
 ‘ of public business, or protracting the session into
 ‘ any unnecessary length, that your Majesty may not
 ‘ have the just pleasure you propose to yourself, in
 ‘ taking again the sense of the nation in a new re-
 ‘ presentative, postponed; but, that you may re-
 ‘ ceive the earliest demonstrations of the good-will
 ‘ of your people, and have the satisfaction to see
 ‘ they are as capable of gratefully feeling that hap-
 ‘ piness they enjoy under your Majesty’s just and
 ‘ wise government, as you are ready and willing to
 ‘ confer it.’

This address was the next day presented, to which
 his Majesty gave the following answer:

My Lords,

I Thank you for this dutiful and loyal address. *The King's answer.*
 Satisfaction you express in my constant attention and
 endeavours, for preserving the public peace and tran-
 quillity, and promoting the interests of my people, is
 extremely acceptable to me; and as the honour and dig-
 nity of my crown, and the good of my kingdoms, are
 my sole view, you may be assured of the continuance
 of my care and vigilance for those desirable ends, and
 of my firm resolution, in all events, to take such
 measures

measures as may best answer the confidence you repose in me, and secure the safety and happiness of the nation.

Motion in
the house of
Commons
for an ad-
dress.

The Commons being return'd to their own house, the Speaker reported to the house his Majesty's most gracious speech from the throne, and told them, that for the greater certainty, he had procured a copy of it, which being read, *John Campbell*, Knight of the shire for the county of *Pembroke*, stood up, and after a short speech, made the following motion, *viz.*

‘ That it might be resolv’d, that an humble address
 ‘ should be presented to his Majesty, to return his
 ‘ Majesty the thanks of that house, for his most gra-
 ‘ cious speech from the throne: To acknowledge
 ‘ his Majesty’s goodness, in the concern he had been
 ‘ pleased to express, upon account of the war unhap-
 ‘ pily begun in *Europe*, and his Majesty’s great wis-
 ‘ dom in using so much precaution upon that critical
 ‘ conjuncture, in waiting the result of the councils
 ‘ of those powers, who were more nearly and im-
 ‘ mediately interested in the consequences of the war,
 ‘ and in taking time to examine the facts alledged
 ‘ on both sides, and to concert with those allies,
 ‘ who were under the same engagements with his
 ‘ Majesty, and had not taken part in the war, such
 ‘ measures as should be thought most advisable for
 ‘ the common safety, and for restoring the peace of
 ‘ *Europe*: To declare their unfeigned confidence
 ‘ in his Majesty, that in all his considerations upon
 ‘ that great and important affair, his Majesty would
 ‘ have the strictest regard to the honour and dignity
 ‘ of his crown and kingdoms, and to the true inte-
 ‘ rest of his people: And to assure his Majesty, that
 ‘ he might intirely depend upon the support and
 ‘ assistance of his faithful Commons, in such mea-
 ‘ sures as he should find it necessary to enter into,
 ‘ for attaining and securing these great and valuable
 ‘ purposes; and that that house would make such
 ‘ pro-

‘ provision for the safety and defence of the nation,
 ‘ as should secure his Majesty’s kingdoms, rights,
 ‘ and possessions, from all dangers and insults; as
 ‘ might preserve the respect due to the crown of
 ‘ *Great Britain*, and not give any encouragement to
 ‘ the desperate views of those, who never fail to flat-
 ‘ ter themselves with the hopes of great advantages,
 ‘ from public troubles and disorders: And to assure
 ‘ his Majesty, that that house would immediately
 ‘ take into their consideration such estimates and de-
 ‘ mands, as should be made by his Majesty for the
 ‘ public service, and raise the supplies, which should
 ‘ be necessary and answerable to the present exi-
 ‘ gency of affairs, with their known zeal and chear-
 ‘ fulness, and with a due regard to the interest of
 ‘ their fellow subjects: And, that the public busi-
 ‘ ness might be dispatch’d with all proper expedition,
 ‘ that they would endeavour to avoid all heats and
 ‘ animosities, and all occasions that might tend to
 ‘ protract the then present session by unnecessary de-
 ‘ lays.’

This motion was seconded by *Stephen Fox*, Esq;
 member for *Shatsbury* in *Dorsetshire*; and also by the
 Lord *Tyrconnel*, member for *Grantham* in *Lincoln-*
shire, both of whom made short speeches in favour
 of the motion, and the latter, in particular, declar’d
 it as his opinion, that as this nation was a trading
 nation, nothing but the most absolute necessity
 should ever force us into a war. After him

William Shippen, Esq; member for *Newton* in *Lancashire*, stood up and spoke to the following ef-
 fect, viz. ‘ Sir, I believe it has always been taken
 ‘ for granted, by most gentlemen in this house, that
 ‘ the speeches from the throne are the compositions
 ‘ of ministers of state; and upon that supposition we
 ‘ have always thought ourselves at liberty to exa-
 ‘ mine every proposition contained in them: It is
 ‘ well known, that this house has, upon many oc-
 ‘ casions, canvassed such speeches and debated upon
 ‘ them

Mr. Ship-
 pen's speech

‘ them with great freedom ; even without doors
‘ people are generally pretty free in their remarks
‘ upon them, and I believe no gentleman that hears
‘ me, is ignorant of the reception the speech from
‘ the throne, at the close of last session of Parliament,
‘ met with from the nation in general.

‘ If then, Sir, there be so much freedom taken
‘ with the speeches themselves, it is not to be doubt-
‘ ed, but that the same freedom may be taken with
‘ any proposition made by any gentleman in this
‘ house, in consequence of such speech from the
‘ throne. I will not say that the question mov’d by
‘ the hon. gentleman over the way, was penn’d by
‘ the same hand that penned his Majesty’s speech
‘ from the throne, though I must say, that there is
‘ a good deal of reason to believe, that both were
‘ penn’d by the same hand.

‘ As to the motion now made to us, I have one
‘ very great objection to the whole, and that is, that
‘ it is too cautiously and too generally worded : Un-
‘ der such general expressions there may be designs
‘ concealed, which the gentleman who penn’d the
‘ motion, does not think proper now to declare ;
‘ but when they come to be explained, this house
‘ may then probably find itself drawn into some dif-
‘ ficulties, by making use of such uncertain expres-
‘ sions in the address now proposed. There is in-
‘ deed one paragraph in the motion made to us,
‘ which I shall now particularly lay my finger on ;
‘ I cannot pretend to repeat the very words, for we
‘ who hear the speech and the motion but once read,
‘ are obliged in some manner to shoot flying ; but I
‘ shall repeat them as near as possible : I think the
‘ paragraph proposes for us to say in our address,
‘ that we will support his Majesty in all those mea-
‘ sures which he shall think it necessary to enter into,
‘ Now, Sir, I am afraid, that under such a general
‘ expression, there may be couched, or at least it
‘ may hereafter be insisted on, that there is couched

‘ a promise of a vote of credit, and therefore I
 ‘ should be willing to have those words a little ex-
 ‘ plained ; for I shall always endeavour, as much as
 ‘ I can, to prevent this house’s being rashly drawn
 ‘ into such promises : I shall not pretend to offer
 ‘ any amendment till I have heard other gentlemen’s
 ‘ sentiments upon the question before us ; I now only
 ‘ lay my finger upon this part of the motion, and
 ‘ after other gentlemen have spoke, I may then pos-
 ‘ sibly take the liberty of giving my opinion farther,
 ‘ and may perhaps offer an amendment ; but I could
 ‘ wish rather that the words were altogether left
 ‘ out.’

Sir *John Hynd Cotton*. ‘ Sir, I stand up to agree Sir John Hynd Cotton's speech.
 ‘ in a great measure, with the hon. gentleman who
 ‘ moved the question now under our consideration,
 ‘ and with the other honourable gentleman who se-
 ‘ conded his motion. I had indeed an objection to
 ‘ one general expression, as it now stands in the que-
 ‘ stion ; but the gentleman who made the motion,
 ‘ explained it in such a manner as satisfied me, and
 ‘ in that manner in which it will, I hope, be ex-
 ‘ plained by this house. The passage is that where-
 ‘ by we promise to provide for the security of his
 ‘ Majesty’s kingdoms, rights and possessions : Now,
 ‘ Sir, these last words *rights and possessions*, is an ex-
 ‘ pression so general, that I am afraid it may in-
 ‘ clude his Majesty’s *German* dominions ; I am per-
 ‘ suaded that it will be understood in this sense by
 ‘ all those without doors, whatever this house may
 ‘ intend to mean by it : The gentleman who open’d
 ‘ the debate has, ’tis true, satisfied me, and I be-
 ‘ lieve every gentleman in this house, that no such
 ‘ thing is intended ; but I think it likewise necessary
 ‘ to satisfy the world without doors ; I think it in-
 ‘ cumbent upon us to assure our constituents, that no
 ‘ such thing was ever meant, and therefore I think it
 ‘ will be proper to add some explanatory words ; for
 ‘ which

‘ which reason I shall beg leave to move for this
 ‘ amendment, to wit, that the words *thereunto be-*
 ‘ *longing* may be added, after the word *possessions*;
 ‘ so that the sentence will then run thus, “ as shall
 ‘ secure his Majesty’s kingdoms, rights and posses-
 ‘ sions, thereunto belonging, from all dangers and
 ‘ insults,” and so on.’

Mr. Camp-
 bell’s speech.

John Campbell, Esq; stood up again and spoke in
 substance as follows, *viz.* ‘ Sir, I believe I did open
 ‘ the affair now before us, in the manner the honour-
 ‘ able gentleman was pleased to mention ; but it was
 ‘ not from an opinion that there really was any pos-
 ‘ sibility for putting such a sense upon those words,
 ‘ as the gentleman seems to be apprehensive of.
 ‘ Those words are so fully explained, both by what
 ‘ goes before, and by what comes after, that there
 ‘ is no room for imagining, that they ever were
 ‘ meant to comprehend his Majesty’s *German* domi-
 ‘ nions ; every man must see that they relate only to
 ‘ the foreign rights and possessions belonging to the
 ‘ crown of *Great Britain* ; and I took the liberty to
 ‘ give some explanation of them, only to preclude
 ‘ any exception that might have been taken, by
 ‘ gentlemen’s considering those general words by
 ‘ themselves, and without regard to what went be-
 ‘ fore, or to what follow’d after ; but to any gen-
 ‘ tleman, either within or without doors, who confi-
 ‘ ders the whole together, there cannot so much as a
 ‘ doubt arise about the meaning of those general
 ‘ words ; every man must see that they can relate to
 ‘ nothing but what relates to his Majesty as King of
 ‘ *Great Britain*, and therefore I cannot think there
 ‘ is the least occasion for the amendment proposed,
 ‘ or for any other amendment to that part of the
 ‘ question.’

Lord Cole-
 raine’s
 speech.

The Lord *Coleraine*, member for *Boston* in *Lin-*
colnshire. ‘ Sir, the gentleman who spoke last, has
 ‘ not

‘ not in the least satisfied me, as to the meaning to
 ‘ be put upon the words objected to ; for if those
 ‘ words be taken in a strict grammatical sense, they
 ‘ must certainly comprehend his Majesty’s *German*
 ‘ dominions : Those dominions are certainly a part
 ‘ of his Majesty’s possessions, and as such must be
 ‘ comprehended under those general words, nor can
 ‘ I see that there is any restriction put upon them,
 ‘ either by what goes before or by what follows af-
 ‘ ter ; even the amendment proposed will not, I am
 ‘ afraid, be sufficient to restrain them in such a man-
 ‘ ner as they ought to be ; and therefore I am of
 ‘ opinion, that the amendment ought to be in these
 ‘ words, *belonging to the crown of Great Britain* ; so
 ‘ as that the sentence may run thus : “ as shall secure
 “ his Majesty’s kingdoms, and all the rights and
 “ possessions belonging to the crown of *Great Bri-*
 “ *tain*, from all dangers and insults.”

Henry Pelham, Esq; Knight of the shire for Sus-
sex. ‘ Sir, the question moved by the hon. gentle-
 ‘ man was, as I thought, so aptly worded, and, to
 ‘ use my worthy friend’s expression, so cautiously
 ‘ worded, that I did not so much as imagine any
 ‘ objection would have been made to it. As to the
 ‘ words, *rights and possessions*, which are, I find, ob-
 ‘ jected to, the proper meaning of them seems to
 ‘ me to be certain and apparent ; it is well known,
 ‘ that doubts have lately been raised about some of
 ‘ those dominions, which properly belong to the
 ‘ crown of *Great Britain*, and though there never
 ‘ was any foundation for those doubts, yet some gen-
 ‘ tlemen have strongly insisted on it, that there was
 ‘ still something wanting, there was something far-
 ‘ ther necessary to be done, in order to secure our
 ‘ enjoyment of those possessions ; and from that con-
 ‘ sideration alone, if there were none other, every
 ‘ gentleman must conclude, that all that could be
 ‘ meant by those general words, was, to compre-
 ‘ hend

Mr. Pel-
 ham’s
 speech.

' hend the several *British* possessions in foreign parts ;
 ' but as to his Majesty's *German* dominions, as they
 ' in no way belong to the crown of *Great Britain*,
 ' which is mentioned in the very next sentence, I
 ' cannot believe that any gentleman in this house, or
 ' any gentlemen without doors, will ever imagine,
 ' that they were meant to be comprehended under
 ' those general words, and therefore I cannot think
 ' that any amendment is necessary.'

Mr. Pulteney's
 speech.

William Pulteney. ' When I heard his Majesty's
 ' speech, and the motion made by the hon. gentle-
 ' man in consequence thereof, I was in hopes, Sir,
 ' we should have separated to-day without any de-
 ' bate ; and yet I must own, that the words con-
 ' tain'd in the motion now under our consideration,
 ' which were taken notice of by my hon. friend over
 ' the way, did at first strike me a little. I was in-
 ' deed a little afraid of the consequence, or at least
 ' of the use that might come to be made of such
 ' words, but I was resolved to pass them over in
 ' silence : However, now that they are taken notice
 ' of, I must say, that in my opinion, some amend-
 ' ment in order to restrain them a little, will not be
 ' unnecessary. I am not for leaving them out in-
 ' tirely, because one part of his Majesty's speech
 ' would, in that case, stand without any answer ;
 ' and I am unwilling that this house should, upon
 ' any occasion, shew the least want of respect and
 ' complaisance towards his Majesty.

' I shall therefore, Sir, take the liberty to pro-
 ' pose an amendment, but I must acquaint the house,
 ' that the motion I am to make for that purpose, is
 ' without any view of making a difference or divi-
 ' sion among us this day ; nor shall I insist upon my
 ' motion, if it does not appear to be intirely agree-
 ' able to every gentleman in this house. I know
 ' very well that we are not tied down, by any gene-
 ' ral expressions, in an address of thanks to his Ma-
 ' jesty ;

‘ jesty ; but I do remember, that a vote of credit
 ‘ passed in this house, towards the close of a session,
 ‘ for which there was no other foundation but some
 ‘ general expressions in the address of thanks, which
 ‘ had been voted the first day of the session, in an-
 ‘ swer to his Majesty’s speech from the throne, and
 ‘ therefore we ought to be extremely cautious in
 ‘ agreeing to any sort of words, from whence the
 ‘ promise of a vote of credit may be afterwards in-
 ‘ ferred : For this reason I shall beg leave to add a
 ‘ few words by way of amendment ; but as I said
 ‘ before, I will not insist upon it, in case my amend-
 ‘ ment should be opposed. The amendment I pro-
 ‘ pose is, that the following words be inserted, to
 ‘ wit, *provided such measures shall appear to this house*
 ‘ *to have been necessary for obtaining such ends.* In
 ‘ which case the paragraph taken notice of by my
 ‘ worthy friend, will run thus, “ and to assure his
 “ Majesty, that he may intirely depend upon the
 “ support and assistance of his faithful Commons, in
 “ such measures as he shall find it necessary to enter
 “ into, for attaining and securing these great and
 “ valuable purposes ; provided such measures shall
 “ appear to this house to have been necessary for ob-
 “ taining such ends.”

Mr. Chancellor of the *Exchequer*. ‘ Sir, the hon. Sir Robert Walpole’s speech.
 ‘ gentleman who spoke last has proposed to us an
 ‘ amendment, but has not made any direct motion
 ‘ for that purpose, and he was pleased to say, that
 ‘ what he proposed was without any view of ma-
 ‘ king a difference or division among us ; I am very
 ‘ glad, Sir, to find that the hon. gentleman is now
 ‘ come to be of that way of thinking ; for there is
 ‘ nothing can contribute more to the honour of this
 ‘ house, than a harmony and unanimity among us
 ‘ in all our proceedings, and therefore I hope the
 ‘ gentleman will not insist upon the amendment he
 ‘ has proposed. One of the objections to the question

‘ now before us, made by the hon. gentleman who
‘ spoke first against it, was, I find, Sir, that it was
‘ too general, and worded with too much caution :
‘ This, I must say, is an objection of a very new
‘ nature ; for the chief objection to addressees of this
‘ nature has generally been, that they descended too
‘ much into particulars, and were not worded with
‘ proper caution. From this general objection the
‘ gentleman was pleased to come to a particular, and
‘ took notice of some words under which, he said,
‘ he believed a vote of credit was intended to be
‘ couched : But does not every gentleman in this
‘ house know, that his Majesty never desires any
‘ such thing as a promise of a vote of credit, nor has
‘ it ever been usual for this house to make any such
‘ promise ? The usual method has always been,
‘ whenever his Majesty wanted any such thing as a
‘ vote of credit, he always acquainted the house of
‘ it by a direct message for that purpose, and there-
‘ fore there is not the least ground to presume an in-
‘ tention of couching a promise of a vote of credit,
‘ under any general words proposed to be put into
‘ the address : As to the case mention’d by the hon.
‘ gentleman who spoke last, I do not remember any
‘ such, I do not remember that there was ever any
‘ vote of credit founded upon a pretended promise
‘ contained in the address of thanks, at the begin-
‘ ning of the session. There may have been, for
‘ what I know, such a case, but as I now speak
‘ upon memory only, I cannot say whether it may
‘ have been a late case, or one of an older date :
‘ However, this I am certain of, that no such thing
‘ is intended by the words now objected to, nor
‘ will there, I believe, be any such use made of
‘ them.

‘ As to the other objection, Sir, it is equally
‘ without foundation. I do not believe that it can
‘ so much as once enter into the head of any man to
‘ imagine, that by the words, *rights and possessions*,
‘ this

‘ this house means to include his Majesty’s *German*
 ‘ dominions: If ever those dominions should come
 ‘ to be in such danger, as that his Majesty should
 ‘ find it necessary to ask the assistance of this nation,
 ‘ he would certainly do it by a direct message to
 ‘ Parliament, and I am very sure, that at present
 ‘ there is no such thing thought of, nor is there the
 ‘ least shadow of reason for suspecting that there will
 ‘ be an occasion for any such demand: The words,
 ‘ *rights and possessions*, must therefore be understood
 ‘ to relate only to the foreign possessions belonging
 ‘ to *Great Britain*; and had those words been left
 ‘ out, (to willing minds at least) it would have af-
 ‘ forded a pretence for the raising of much greater
 ‘ alarms without doors; it then might probably
 ‘ have been said, that we were going to give up
 ‘ some of those valuable possessions we have abroad,
 ‘ possessions so valuable, that I hope this nation will
 ‘ never consent to the giving them up.

‘ Upon the whole, Sir, however unwilling some
 ‘ gentlemen may pretend to be, to create differences
 ‘ and make divisions in this house, I am persuaded,
 ‘ that nothing but a desire to do so, could have
 ‘ raised any objections to the question now in your
 ‘ hands; and as I have not heard any colour of
 ‘ reason for supporting any of the amendments that
 ‘ have been offered, I must therefore be against
 ‘ them.’

Sir *William Wyndham*. ‘ Though the hon. gen-
 ‘ tleman who spoke last, does not seem to remember
 ‘ the case mentioned by the gentleman who spoke
 ‘ just before him; I remember it well, Sir, and I
 ‘ speak of it with the greater confidence, because this
 ‘ very morning I looked over some of the journals
 ‘ of the house, together with my hon. friend on the
 ‘ floor, by which I found that that famous vote of
 ‘ credit was agreed to in this house, on the 12th day
 ‘ of *April* 1727, which was towards the close of the
 ‘ session,

Sir William
 Wyndham’s
 speech.

‘ session ; and I remember, Sir, that there was but
 ‘ a very thin house ; and there was no other founda-
 ‘ tion for that vote, hardly indeed any material ar-
 ‘ gument offer’d in favour of it, than what has been
 ‘ mentioned by my honourable friend. I remem-
 ‘ ber, Sir, that it bore a very strenuous debate in
 ‘ this house ; and I remember too, Sir, that the
 ‘ gentleman who sits behind the hon. person who
 ‘ spoke last, had a very considerable share in that
 ‘ debate, and was one of the tellers against the que-
 ‘ stion.

‘ Whether any such use is now intended to be
 ‘ made of the general expressions objected to in the
 ‘ question before us, I shall not take upon me to
 ‘ say ; but that I do not take to be the matter in
 ‘ dispute ; the proper question is, whether any such
 ‘ use can possibly be made of those general expres-
 ‘ sions ? For if it can, we are not to depend upon
 ‘ the assurances of any member of this house, that it
 ‘ will not ; and therefore, lest any such use should
 ‘ hereafter be made of those general expressions, I
 ‘ think it highly necessary that some words should
 ‘ be added, for restraining them to what is now de-
 ‘ clared to be the meaning and intention of them :
 ‘ For my own part, I am very easy about it, be-
 ‘ cause I am now free to declare, that if ever any
 ‘ vote of credit, of the same nature with those lately
 ‘ agreed to, be proposed or moved for in this house,
 ‘ I shall always be against any such, as long as I
 ‘ have the honour to sit in this house ; nor shall any
 ‘ general words, or any express promise, contain’d
 ‘ in any former address, be of the least weight with
 ‘ me in such a debate.’

Thomas Winnington, Esq; stood up next, and gave
 some account of the vote of credit agreed to in the
 year 1727 ; and *Philip Gybbon*, Esq; and *Samuel*
Sandys, Esq; disagreeing with him in his account of
 that vote of credit.

Sir

Sir *William Yonge* stood up, and spoke to the following effect, viz. ‘ I was at some distance, Sir, ^{Sir William Yonge's speech.} when the honourable gentleman on the floor first mention'd the case which seems now to be the subject of debate, and though I had not looked into the journals this morning, as some gentlemen seem to have done, yet I could not but think, that it was impossible that ever any house of Commons should have proceeded in the manner they have represented. I have now looked upon the journals of that and the preceding session, and as I have the book in my hand, I shall from thence set that matter in a full and clear light. In the year 1725, his late Majesty sent an express message to the house of Commons then sitting, by which he acquainted them, that in order to prevent and frustrate such designs as had been formed against the particular interest of this nation, and the general peace of *Europe*, he found it necessary not only to augment his maritime force, but to concert such other measures as might most effectually conduce to these desirable ends; and as these services would require some extraordinary expence, his Majesty hoped he should be enabled, by the assistance of Parliament, to increase the number of seamen then before voted, and granted for the service of that year; and to enter into, and make good such engagements as the circumstances and exigency of affairs might require. Upon this message, the house of Commons, as in duty they ought, voted and presented an address to his Majesty, that he would be pleased to make such an addition to the number of seamen then before voted, and to concert such other measures as his Majesty should, in his great wisdom, think would best conduce to the security of the trade and navigation of this kingdom, and to the preservation of the peace of *Europe*; and assured his Majesty, that

‘ that house would effectually provide for, and
 ‘ make good all such expences and engagements as
 ‘ should be made for obtaining those great and de-
 ‘ sirable ends.

‘ At the beginning of the next session of Parlia-
 ‘ ment, his Majesty, in his speech from the throne,
 ‘ expressly said, that as the expence he had in the
 ‘ preceding year been in a particular manner in-
 ‘ trusted to make, had amounted to no considerable
 ‘ sum, and the public utility might again require the
 ‘ like services to be perform’d, he hoped they would
 ‘ again repose the same trust and confidence in him.
 ‘ To which the house of Commons, in their address
 ‘ of thanks, as expressly answer, and promise, that
 ‘ they would repose such a trust and confidence in
 ‘ his Majesty, as the public utility should require,
 ‘ and as his Majesty should find reasonable and ne-
 ‘ cessary for carrying on the great work in which
 ‘ his Majesty was engaged, for the interest and
 ‘ security of his people, and the common cause of
 ‘ *Europe*.

‘ Thus, Sir, every gentleman may see, that the
 ‘ vote of credit agreed to at the end of that session,
 ‘ was not in consequence of a few general words in
 ‘ their address of thanks, in return to his Majesty’s
 ‘ speech at the beginning of the session, but in con-
 ‘ sequence of an express demand in the speech, and
 ‘ as express a promise in the address of thanks; and
 ‘ from thence, I think, every gentleman may see
 ‘ how vastly different that case is, from what is now
 ‘ the subject of debate.’

John Scrope, Esq; stood up next, and gave a short,
 but most distinct account of all the votes of credit
 that had ever been agreed to by that house; after
 which, he concluded, that, in his opinion, there was
 no amendment necessary to that or any other part of
 the motion.

William Pulteney, Esq; stood up again, and spoke ^{Mr. Pulteney's speech.} in substance as follows, *viz.* ‘ Sir, the honourable gentleman who spoke last has, in a few words, explained how the several votes of credit have been granted, and he and I do not, I think, differ much in our accounts; but the honourable gentleman who spoke with the book in his hand, and who set out with a promise of clearing that matter fully to the house, has, in my opinion, and, I believe, in the opinion of every gentleman who heard him, left the matter just where he found it; and therefore I would advise him, for the future, to speak without book.

‘ Can any gentleman, Sir, imagine, that, in consequence of the paragraph of his late Majesty’s speech, mention’d by the honourable gentleman, or the answer thereto in the address of thanks, a vote of credit was, or ought to have been agreed to, without a new message from his Majesty, signifying, that the public utility did actually again require the reposing of such a trust and confidence in his Majesty, as had been reposed in him the preceding year? Does any gentleman suppose, that this house is to repose such a trust and confidence in the crown, only because it is demanded by the crown, and without assigning any reason for so doing? No, Sir; and I believe I may appeal to every gentleman who hears me, and who had the honour to be a member of this house, when that address was agreed to, whether he did not then think that all that was meant or intended by those general assurances in their address of thanks, was, that they would again repose the same trust and confidence in his Majesty, if upon a new message, it could be shewn them, that the public utility required it; but gentlemen found afterwards that another use was made of those general expressions; they were at the end of the session made

‘ the only argument for agreeing to a vote of credit ;
‘ and lest the same thing should be again practi-
‘ fed, we ought to be extremely cautious of put-
‘ ting any fuch general expreffions in our addrefs of
‘ thanks.

‘ When I first stood up, Sir, what I was then to
‘ propofe was, I faid, without any intention of
‘ making a divifion or difference among us to day,
‘ and the honourable gentleman who fpoke next af-
‘ ter me, faid, he was glad to find me in that way
‘ of thinking. Sir, I am now in the same way of
‘ thinking I always was, and if other gentlemen think
‘ in the same way they have lately taken up, I am
‘ afraid we shall have many and great differences
‘ before this fession can well be at an end. The ho-
‘ nourable gentleman faid he did not remember whe-
‘ ther the cafe of a vote of credit I had mention’d,
‘ was of a later, or of an older date : Alas, Sir,
‘ there are no fuch votes of credit to be found of an
‘ old date ; votes of credit of old were of a very
‘ different nature, they were never fo much as
‘ asked, but for some particular purpofes exprefly
‘ mentioned, the fum was always limited, the Par-
‘ liament became fureties only for that fum, and an
‘ exact account was afterwards given to Parliament,
‘ to what purpofes the money fo granted was ap-
‘ plied ; but our late votes of credit have all been
‘ granted in the dark ; we have granted fums unli-
‘ mited, without knowing to what ufes any of the mo-
‘ ney fo to be raifed was to be applied, and we have
‘ never been able to have any proper account (tho’
‘ often ask’d for) how the money was difpofed of.

‘ However, Sir, though I wish we may feperate
‘ to day without any divifion, yet I hope we shall
‘ have many days after this to enter into the confi-
‘ deration of affairs of very great confequence ; I am
‘ fully fenfible of the calamitous fituation of our affairs
‘ both at home and abroad ; they neceffarily require
‘ the confideration of Parliament : There are many,
‘ many

‘ many grievances both foreign and domestic, under
 ‘ which the nation groans at present, and which call
 ‘ loudly for redress, and therefore, tho’ we promise
 ‘ not to protract or prolong the session by unneces-
 ‘ sary delays, yet I hope we shall not separate before
 ‘ we have taken all those matters properly under our
 ‘ consideration : The state of the nation must be
 ‘ called for, and, I dare say, this house of Com-
 ‘ mons which has shewn so much regard for their
 ‘ fellow-subjects, will envy any succeeding house of
 ‘ Commons the glory of redressing those many grie-
 ‘ vances we now labour under : Upon such an oc-
 ‘ casion, I hope, gentlemen, will attend, I hope they
 ‘ will be emulous who shall attend best ; and when
 ‘ such a spirit of liberty appears over the whole na-
 ‘ tion, I am convinced no man will dare desert his
 ‘ duty in this house, no man will dare retire to the
 ‘ country, when affairs of such moment demand his
 ‘ attendance in Parliament.’

After these speeches, as none of the gentlemen in-
 sisted upon any of the amendments they had offered, Address re-
ported and
amended. the question was put upon the first motion, and
 carried in the affirmative, without a division ; and
 a committee being appointed, they drew up an
 address in pursuance of this resolution, which
 address was reported next day to the house, and
 an amendment being offered, *viz.* in the second
 paragraph of the address, which at first run thus :
 ‘ Not wondering, that the same prudence and pre-
 ‘ caution, the same concern and circumspection,
 ‘ *and the same wise counsels*, that have guided, &c.’
 It was proposed to leave out the words, *and the
 same wise counsels*, as not being proper in an address
 to his Majesty, and the same was agreed to ; then
 the address itself was agreed to by the house, and was
 as follows, *viz.*

Address of
the house of
Commons.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, beg leave to return your Majesty our humblest thanks for your most gracious speech from the throne.

We are truly sensible of your Majesty's goodness ; and hear with the deepest sense of gratitude, the concern you are pleased to express, for the war unhappily begun in *Europe* ; and acknowledge with the highest satisfaction this new proof, your Majesty has given us, of your great wisdom in waiting, at this nice and critical juncture, the result of the councils of those powers, who are more nearly and immediately interested in the consequences of this war, before your Majesty makes any final determination for your own conduct ; not wondering, that the same prudence and precaution, the same concern and circumspection, that have guided and directed every step hitherto taken in your Majesty's happy and auspicious reign, should now induce you to take time to examine the facts alledged on both sides, and to concert with those allies, who are under the same engagements with your Majesty, without having taken part in the war, particularly the States General of the United Provinces, such measures, as shall be thought most adviseable for the common safety, and for restoring the peace of *Europe*.

That your Majesty in all your transactions, in this great and important affair, will have the strictest regard to the honour and dignity of your crown and kingdom, and to the true interest of your people, is what not only your Majesty's royal assurances, but our happy experience of all your Majesty's past conduct leave us no room to doubt.

And

‘ And as we have an intire confidence in your
‘ Majesty’s judgment to discern, and solicitude to
‘ procure the welfare and interest of your subjects,
‘ so your Majesty may depend upon the effectual
‘ support, and ready assistance of your faithful Com-
‘ mons in all such measures, as your Majesty shall
‘ find it necessary to enter into for attaining and se-
‘ curing these great ends.

‘ And we beg leave farther to assure your Ma-
‘ jesty, that your Commons will make such pro-
‘ vision for the safety of your kingdoms, as the
‘ present situation of affairs, and exigency of the
‘ times require ; such provisions as shall effectually
‘ secure your Majesty’s kingdoms, rights, and pos-
‘ sessions, from all insults and dangers, as shall pre-
‘ serve the respect due to the *British* nation abroad,
‘ and guard its safety at home ; that not the least
‘ encouragement may be given to the desperate
‘ views of those, who never fail to flatter them-
‘ selves with hopes of some advantage from pub-
‘ lic troubles and disorders, and of molesting the
‘ inseparable interests of your Majesty and your
‘ people.

‘ Such estimates and demands, as your Majesty
‘ shall think fit to lay before your Commons for the
‘ public service, shall be immediately taken into our
‘ consideration ; and your Majesty may depend on
‘ our known zeal for raising such supplies, as shall be
‘ necessary and answerable to the present circumstan-
‘ ces, with our usual chearfulness and approved fide-
‘ lity, and a due regard both to the ease and interest
‘ of our fellow-subjects.

‘ And that the public business may be dispatched
‘ with all proper expedition, and the present session
‘ not protracted by any unnecessary delays, we will
‘ endeavour to avoid all heats and animosities, and to
‘ proceed with that unanimity, which the justice and
‘ prudence of your Majesty’s mild and wise govern-
‘ ment

‘ment may expect and claim, and may give weight
 ‘to our deliberations, and maintain the dignity of
 ‘Parliament.’

Which address being next day presented by the
 house, his Majesty was pleased to give the following
 answer, *viz.*

Gentlemen,

‘I Return you my thanks for this very dutiful, af-
 ‘fectionate, and loyal address; and for the con-
 ‘fidence you repose in me, which, you may be af-
 ‘fured, shall always be employed for the honour of
 ‘my crown, and the true interest of my people.’

Navy debt.

On *Wednesday* the 23d of *January*, the house of
 Commons having resolved, *Nemine Contradicente*,
 that a supply should be granted to his Majesty, they,
 among other accounts, ordered the following to be
 laid before them, *viz.*

*An estimate of the debt of his Majesty's navy, on
 the heads hereafter mentioned, as it stood De-
 cember 1733, viz.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
D UE to pay off and discharge all the bills registred on the course of the navy, for stores, &c. supplied for the ser- vice thereof.				898	360	

Carried over—898360

To

l. s. d.

Brought over 898360
 To pay off and discharge all the bills registred on the said course, for premiums allowed by act of Parliament on naval stores. } 56811

For freight of tenders, and for stores delivered into his Majesty's yards, &c. for which no bills were made out on Dec. 31, 1733. as also to several bills of exchange. } 20851

To his Majesty's yards and rope-yards, for the ordinary and extraordinary thereof. } 175564 17 2

To half-pay to sea-officers, according to an establishment made by his late Majesty. } 19576 8 1

 1171163 5 3

Seamens wages.

Due to the men unpaid on the books of ships paid off. } 8194 10 4

To ships on the sea-pay on above-said Dec. 31. } 232643

Carried over ————— 240837 10 4 1171163 5 3

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Brought over	240837	10	4	1171163	5	3

To discharge and
pay off all the bills
enter'd in the course
for pilotage, surge-
ous, necessary boun-
ties to widows and
orphans of men slain
at sea.

251

 241088 10 4

*Viſtualling debt, as
per eſtimate from
theſe commissioners.*

Due for ſhort al-
lowance to the com-
pany of his Maſteſty's
ſhips in pay, and
which have been
paid off.

15665 13

For paying off all
the bills entered on
their courſe.

576726 19 5

For neceſſary mo-
ney, extraordinary
neceſſary money,
and contingencies.

323 17 11

To officers, work-
men and labourers,
employed at ſeveral
ports.

9891 4 4

 602607 14 8

 Carried over 2014859 10 3

Sick

	l.	s.	d.
Brought over	20148	59	10 3
<i>Sick and hurt, for the debt of that office.</i>			

Due for the quart. and care of sick and hurt seamen sent ashore from his Majesty's fleet, and contingencies relating to the said service.	5316	07	10
	2020175	18	01
From whence, deducting the money in the treasurer's hands as below,	146224	12	07
The neat debt will be	1873951	05	06

Memorandum, There are remaining in the late and present treasurer of the navy's hands, on *December 31, 1733*, in money, as undermentioned, and may be reckoned towards satisfying the aforesaid debt of the navy.

In the hands of the trustees for Mr. Hampden's estate.

For seamen's wages.	25251	13	2
For victuals.	629	9	6
	25881	02	08

In the hands of the Right Honourable Pat. Byng, Lord Viscount Torrington.

For wear and tear, and ordinary.	13189	18	6
For seamen's wages.	28077	1	5
For victuals.	6373	3	9

Carried over	47640	3	8	25881	02	8
						For

				l.	s.	d.
Brought over	47640	3	8	25881	2	8
For sick and hurt seamen.	2288	3				
For seamens wa- ges to be applied as the services shall re- quire.						
	70415	3	3			
				120343	9	11
				146224	12	7
N. B. Received short of the sup- plies, <i>Anno</i> 1733.				160000	00	0

*Vienna trea-
ty called for.*

The same day it was resolved by the said house, That an humble address should be presented to his Majesty, that he would be graciously pleased to give directions, that a copy of the treaty between his Majesty and the Emperor, concluded at *Vienna* in the year 1731, with the secret and separate articles, and the States Generals act of concurrence to the same, should be laid before the house; and the said address being ordered to be presented to his Majesty by such members of that house, as were of his Majesty's most honourable privy council,

*Motion for
other papers.*

Sir *John Rushout*, Bart. stood up, and, after a short speech, moved, That an humble address should be presented to his Majesty, that he would be pleased to give direction, that the letters and instructions sent to his Majesty's ministers at the courts of *France* and *Spain*, relating to the execution of the treaty of *Seville*, should be laid before the house. Upon which motion there ensued a debate, in which the following gentlemen spoke in substance as follows, *viz.*

Sir

Sir *William Yonge*. I do not stand up, Sir, to ^{Sir William Yonge's speech.} say any thing against the power which this house has, of calling for whatever papers they may think necessary to give them proper lights into any affair they are about to have under their consideration: That the house has such a power, is what I believe no gentleman will deny; but then every gentleman must grant, that this power ought to be used with great caution and discretion; no papers ought to be called for, but those which properly relate to the affair in hand, and without which it would be impossible to understand fully and clearly what we are to be about. It has been resolved to address his Majesty to order a copy of the treaty of *Vienna* to be laid before us, but I cannot apprehend what connexion there is, or can be, between that treaty and the letters and instructions sent to our ministers at the courts of *France* and *Spain*, relating to the treaty of *Seville*. Can it be supposed that those letters and instructions have any relation or concern with a treaty afterwards concluded with the Emperor, who was not at that time in good terms with either of the other two courts? As all such negotiations are carried on in the most secret manner possible, it cannot, in my opinion, be supposed, that our ministers either at the court of *France* or *Spain*, knew any thing of those negotiations at *Vienna*, which so happily ended in that treaty; and therefore it is impossible to suppose, that we can, from the letters and instructions sent to them, receive any light or information, with respect to the treaty of *Vienna* now called for.

But granting, Sir, that some possible connexion might be found out, between the treaty of *Vienna* and the letters and instructions which the honourable gentleman has been pleased to move for, yet there is another rule to be observed in the using of that power, which this house has of calling for papers

‘ which in the present case will be an effectual bar
‘ to the motion : Though this house has a power
‘ of calling for papers, yet we ought in no case to
‘ call for those papers which may contain secrets, the
‘ publishing whereof might be of a signal disadvan-
‘ tage to the common-wealth : I believe it will be
‘ granted, that a secret communicated once to this
‘ house, is in great danger of not remaining long a
‘ secret : It was never known, that a secret was long
‘ kept by any such numerous assembly, and there-
‘ fore we ought to be extremely cautious, and never
‘ call for any papers which may contain such secrets.
‘ For my own part, I do not pretend to know the
‘ nature of those instructions or letters, but it is cer-
‘ tain that some of them may contain something
‘ not proper to be published to the world at this
‘ juncture ; the publishing of it might, perhaps, o-
‘ pen old sores, and give offence to some of those
‘ powers, with whom we have at present a good
‘ understanding, by which his Majesty’s negotiati-
‘ ons for restoring the tranquility of *Europe*, might
‘ be very much embarrassed, perhaps rendered in-
‘ tirely fruitless ; and therefore, I cannot but think,
‘ that any such general call for papers is now, and
‘ always will be, of dangerous consequence.

‘ If this house should at any time hereafter re-
‘ solve to take the treaty of *Seville* into their confi-
‘ deration, when that day comes, if any gentleman
‘ of this house can then lay his finger on any parti-
‘ cular paper, which he thinks may be necessary for
‘ the information of the house, he may then move
‘ for it, and the house may, if they think proper,
‘ agree to such a motion ; but to make such a gene-
‘ ral motion as the present, to call for all the letters
‘ and instructions sent to our ministers at those two
‘ courts in general, I think most improper and ir-
‘ regular, and therefore, I shall give my negative
‘ to it.

Sir *William Wyndham*. ‘ Sir, notwithstanding Sir William Wyndham's speech
 ‘ what the honourable gentleman, who spoke last,
 ‘ has said, I cannot help being of opinion, that the
 ‘ motion made by my honourable friend is regular,
 ‘ and that the papers he has called for are such as
 ‘ must necessarily tend to give the house a great deal
 ‘ of information, not only with relation to the trea-
 ‘ ty of *Seville*, but likewise, with relation to the
 ‘ treaty which we shall soon have, I hope, laid be-
 ‘ fore us, in pursuance of the resolution we have just
 ‘ now come to, and therefore I take it to be as pro-
 ‘ per now, as it can be when the day comes which
 ‘ the gentleman speaks of.

‘ As to any secret which may be contained in the
 ‘ papers called for, and which it would not be pro-
 ‘ per at present to publish to the world, that can
 ‘ be no argument against the motion ; because if that
 ‘ should happen to be the case, his Majesty would
 ‘ communicate to us none but such as contained no
 ‘ such secrets, and in his answer to our address would
 ‘ acquaint us, that the other letters or instructions
 ‘ contained such secrets as were not proper to be re-
 ‘ vealed at present ; this would be a proper answer
 ‘ from his Majesty, and such an answer as this house
 ‘ would certainly rest satisfied with, unless some
 ‘ very strong reasons appeared to the contrary : But,
 ‘ Sir, this is an answer which ought not to be taken
 ‘ from any other person but his Majesty : It is below
 ‘ the dignity of this house to take it from any other ;
 ‘ it is what no member of this house ought so much
 ‘ as to insinuate ; for any such insinuation, is offer-
 ‘ ing an indignity to the crown, because it seems to
 ‘ be a dictating to his Majesty, and prescribing to
 ‘ him what answer he is to make to the address of
 ‘ this house. The gentleman spoke of opening old
 ‘ sores, and that the publishing of those papers
 ‘ might give offence to some of those powers we are
 ‘ now in friendship with : This seems to be a very
 ‘ extraordinary reason against the motion ; for I am

‘ sure this reason will hold equally good against call-
‘ ing for any treaty, or any paper relating to our
‘ foreign negotiations ; and I can see no difference
‘ between denying that the house has a power to call
‘ for any papers, and making use of an argument,
‘ which, if allowed, would render that power alto-
‘ gether ineffectual: But, Sir, I would gladly know
‘ what prince, what state there is now in *Europe*,
‘ whom we have not disobliged and fallen out with
‘ by turns ; and shall it be said, that the publishing
‘ of those negotiations, which we carried on while
‘ we were at enmity, or at least, not in a cordial
‘ friendship with them, will open those sores which
‘ were intirely healed up by a new treaty afterwards
‘ concluded with them? Does not every gentleman
‘ see, that this argument strikes against this house’s
‘ ever desiring to have any foreign treaty or nego-
‘ tiation laid before them, except such as have been
‘ before published to the world ?

‘ As to the connexion between the papers now
‘ moved for, and the treaty just before called for, it
‘ is, in my opinion, evident: For what end have
‘ we called for a copy of the treaty of *Vienna*?
‘ What are we to consider of, when we enter into
‘ the consideration of that treaty? Are we not to
‘ consider, whether it was for the benefit of this na-
‘ tion or not? And how shall we determine this,
‘ without knowing the circumstances, or those af-
‘ fairs which made it necessary for us to conclude
‘ such a burdensome treaty? It is well known, that
‘ by that treaty we entered into very great engage-
‘ ments ; engagements, which, if punctually per-
‘ formed, may cost this nation infinite sums of mo-
‘ ney ; and engagements which we certainly ought
‘ not to have entered into, if the public tranquillity
‘ could have been established at any cheaper rate.
‘ Is it to be presumed, that the impossibility which
‘ was found of carrying the treaty of *Seville* into
‘ execution

‘ execution, without involving ourselves and all
‘ *Europe* in a bloody war, was what made it neces-
‘ sary for us to agree to those engagements contain-
‘ ed in the treaty of *Vienna*; and how is it possible
‘ for us to determine, whether or no there was an
‘ impossibility of carrying the treaty of *Seville* into
‘ execution, without having all those papers first
‘ laid before us, which relate to the execution of
‘ that treaty? It was, I remember, when first con-
‘ cluded, a treaty that was much bragged of by
‘ the friends of the gentleman who spoke last, and
‘ if it was so good a thing, I cannot find out why
‘ he or his friends should be so fond of keeping se-
‘ cret either the means by which it was obtained, or
‘ the methods that were afterwards used for carrying
‘ it into execution. As to the means by which that
‘ treaty was obtained, they may not perhaps relate
‘ much to the treaty of *Vienna*; but as to the me-
‘ thods used for carrying it into execution, the last
‘ of which was the treaty of *Vienna*, every man
‘ must see the connexion, and therefore, every man
‘ must be convinced, that it is necessary for us to
‘ have the papers now moved for laid before us, be-
‘ fore we can properly take the treaty of *Vienna* into
‘ our consideration.

‘ His Majesty, Sir, in his speech from the throne,
‘ recommends the present situation of affairs to the
‘ consideration of Parliament, he recommends it to
‘ us thoroughly to weigh and consider all circum-
‘ stances before we come to a final determination;
‘ but if such things as are necessary for our informa-
‘ tion, are, when called for, refused by those in pow-
‘ er, how is it possible for us to answer his Maje-
‘ sty’s expectations? It must be owned, that we have,
‘ of late years, been in very odd circumstances;
‘ and our present situation may, perhaps, in the
‘ opinion of many, be owing, in some measure, to
‘ the mismanagement of those in the administration;
‘ I shall not say, it is so, but if this be not the case,

‘ I can see no reason for refusing the papers now
 ‘ called for ; and if this be really the case, it ought
 ‘ certainly to be inquired into, and the papers now
 ‘ called for, as well as a great many others, must
 ‘ necessarily be laid before us, in order to enable us
 ‘ to make a proper inquiry, and to apply proper
 ‘ remedies for those evils, which the nation labours
 ‘ under at present. Upon the whole, Sir, as I said
 ‘ at first, I think the motion now made to us most
 ‘ regular, I think it is absolutely necessary for us to
 ‘ have those papers laid before us ; for without them,
 ‘ I am sure, the resolution we have just now come
 ‘ to, can be of no effect, and therefore I hope the
 ‘ house will agree to the motion.’

Sir Robert
 Walpole's
 speech.

Mr. Chancellor of the *Exchequer*. ‘ I stand up,
 ‘ Sir, to agree in some part with the honourable
 ‘ gentleman who spoke last : If we are at present in
 ‘ any unhappy situation, and if it be but thought,
 ‘ by any gentleman in this house, that that situation
 ‘ is in any way owing to the mismanagement of
 ‘ those in the administration, in my opinion, who-
 ‘ ever thinks so, ought to move for this house's go-
 ‘ ing into such an inquiry ; they ought to move for
 ‘ the house to go into a committee upon the state
 ‘ of the nation, and upon the foot of such an in-
 ‘ quiry, I will willingly join issue with the honoura-
 ‘ ble gentleman, or any other gentleman in this
 ‘ house : Whenever the house shall please to resolve
 ‘ upon going into such a committee, I promise, that
 ‘ in so far as lies in my power, nothing shall be re-
 ‘ fused, that is thought proper or necessary for gi-
 ‘ ving the house all the information that can be
 ‘ wished or desired ; but as that time is not yet come,
 ‘ I must think, that the motion now under our con-
 ‘ sideration is very irregular, and seems calculated
 ‘ rather for giving gentlemen an opportunity of de-
 ‘ claiming against those, who have the honour to
 ‘ serve the crown, than for procuring any proper in-
 ‘ formation

formation for the house, or any advantage for the country.

It is usual, Sir, for some people to make motions, rather to fix unpopular things on others, than to have any information for themselves : They make motions in order to make a figure in the votes, which are sent to all parts of the nation, and to serve some particular ends of their own : When a negative is put upon any such motion, they are then ready to cry out, we would have relieved you, we would have extricated you from all the difficulties you labour under, but we were by power denied the means of doing it. This, Sir, is a piece of management, it is a sort of parliamentary play, which has always been practised by those who oppose the measures of the administration ; I remember it as long I remember Parliaments, and have by my own experience been acquainted with it : I can remember motions made with no other view, but to have a negative put upon them ; and particularly, at the beginning of a session, the language among such gentlemen has always been, we must attack them, we must give them no rest, but make motion after motion ; if they agree in any motion we make, it will distress them, and if they put a negative upon every one, it will render them odious among the people.

This I say, Sir, has been always the common practice of those who are resolved, at any rate, to oppose the administration ; but I must take notice, that to say, that any motion in Parliament is refused by power, is, in my opinion, a very unparliamentary way of speaking ; when any motion is made, every gentleman is at liberty to debate with freedom upon it, and to agree or disagree, as he thinks reasonable ; if it be rejected, it must be by a majority of the house, and becomes an act of this house, and to say, that what is the act of the house

‘ is an act of power, is not, I think, speaking in the
‘ language of Parliament.

‘ I shall likewise agree with the honourable gen-
‘ tleman, that when any papers are moved to be
‘ called for, the house is not to be told by any mem-
‘ ber, or any but his Majesty, that such papers con-
‘ tain secrets which must not yet be discovered; but
‘ I hope the gentleman will agree with me, that it
‘ is below the dignity of this house to present insigni-
‘ ficant addresses to his Majesty; we are not to de-
‘ sire of his Majesty what evidently, and at first sight,
‘ appears to be such as his Majesty cannot comply
‘ with; and therefore when a motion for any such
‘ address is made, any gentleman of the house may,
‘ nay, he ought, if he thinks so, to rise up and shew
‘ to the house, that what is desired by the address mo-
‘ ved for, is of such a nature, that his Majesty can-
‘ not comply with it; and this I take to be the case
‘ now before us. In most public negotiations there
‘ are some things may happen which ought never to
‘ be revealed; in every negotiation there are, I be-
‘ lieve, some things do happen, which ought not to
‘ be published to the world for a great many years
‘ after; and therefore it must be very irregular to
‘ desire his Majesty to lay before this house, that is,
‘ to publish to the world, all the letters and instruc-
‘ tions relating to a negotiation, which happened but
‘ a very few years ago.

‘ Gentlemen may assign what causes they please
‘ for the treaty of *Vienna*; but when that treaty comes
‘ to be considered by this house, I believe it will ap-
‘ pear, that we thereby entered into no extraordina-
‘ ry or burdensome engagements; it will appear,
‘ I believe, that we are not thereby obliged to do
‘ any thing, but what we were by the nature of
‘ things, and by the circumstances of the affairs of
‘ *Europe*, obliged to do, if no such treaty had ever
‘ been made. If this should appear, it will then be
‘ certain, that what the honourable gentleman was
‘ pleased

‘ pleased to mention, was not the true cause, or the
‘ only foundation of the treaty of *Vienna*; so that
‘ till this house has entered into the consideration of
‘ the treaty of *Vienna*, and has found that the en-
‘ gagements thereby entered into, were such as we
‘ ought not to have taken upon us, if there was any
‘ other way left of carrying the treaty of *Seville* into
‘ execution, without entering into a war; till such
‘ time, I say, it cannot so much as be pretended, that
‘ there is any connexion between the letters and in-
‘ structions relating to the execution of the treaty of
‘ *Seville*, and the treaty of *Vienna*, now resolv’d to be
‘ called for; and therefore, till that time, the mo-
‘ tion now before us cannot be a proper or a regular
‘ motion.

‘ Before I conclude, Sir, I must take notice, that
‘ the way which some gentlemen have got into, of
‘ making panegyrics, and praising the ministers for
‘ their great and profound wisdom, by way of irony
‘ at one time, and at other times calling names, such
‘ as a cowardly administration, a wheeling, shifting
‘ ministry; (though by the by I never understood
‘ the present to be a shifting administration, for, as
‘ I take it, the great quarrel among us is, that the
‘ administration has not been shifted) such a way,
‘ I say, Sir, is a method of speaking which very ill
‘ becomes any member of this house. Though I
‘ cannot agree with gentlemen who say, that this
‘ nation is at present in so unhappy a situation, yet
‘ I must grant, that the affairs of *Europe* are not at
‘ present in a very happy situation; and if the errors
‘ or mismanagement of any of the administration
‘ here, has contributed in the least to the present
‘ posture of the affairs of *Europe*, I must think that
‘ they very little deserve to serve the crown: But
‘ really, by some gentlemen’s way of talking, one
‘ would imagine that the ministers of *England* were
‘ the ministers of *Europe*, or that madness and folly
‘ reigned at this court, and that the most profound
‘ wisdom

' wisdom prevailed at all others: If any unforeseen
 ' accidents abroad, if the ambition of any foreign
 ' Prince, or the misconduct of any foreign court,
 ' produces any untoward effects, or occasions any
 ' troubles or commotions in *Europe*, the ministers of
 ' *England* are immediately loaded with the whole;
 ' it is they that have done the mischief, and they
 ' must answer for it. This, Sir, is a way of treat-
 ' ing those who have the honour to serve the crown,
 ' which to me really seems neither candid nor just:
 ' However, I shall trouble you no farther, but only
 ' to declare, that I shall be against the motion
 ' which the honourable gentleman has been pleased
 ' to make.'

Mr. Ship-
 pen's speech.

William Shippen, Esq; ' Sir, as the honourable
 gentleman who spoke last, has made grievous com-
 ' plaints of the treatment he and his friends receive
 ' from other gentlemen, I am a good deal surpris'd
 ' that he should at the same time, fall into that very
 ' error which he so much complains of in others;
 ' for to say that gentlemen make motions, only for
 ' the sake of having an opportunity to declaim
 ' against those in the administration, or for the sake
 ' of making a figure in the votes, is language, in
 ' my opinion, as unparliamentary, and treating gen-
 ' tlemen with as little candour, as what he has blam'd
 ' others for.

' I must say, Sir, that it seems to be a very dif-
 ' ficult matter to know how to please those great
 ' men in the administration; for I find that when
 ' any encomiums are made upon them, when any
 ' thing is said in praise of their measures, they im-
 ' mediately take it to be meant by way of irony;
 ' and if any gentleman happens to give them any
 ' names which may seem to be a little harsh, that,
 ' they understand exactly as it is spoke, and com-
 ' plain that gentlemen do not treat them in a parlia-
 ' mentary way: But, Sir, whatever other gentle-
 ' men

men may do, I am none of those who have bestowed panegyrics either upon the present or upon any administration, and I hope I never was, nor ever shall be guilty of calling names. Perhaps the hon. gentleman may dislike those names, which he pretends have been given to him in this house; whether it be parliamentary language or no I shall not determine, but I must tell him, that it is very soft and pleasant language, when compared with that of the people of *England*: Were he to hear them speak, he would hear them speak in a stile very different from that used at court, or even in this house; and I believe it would be for his advantage, to give a little more attention to the plain language of those he looks on to be none of his friends, than to the soothing flatteries of his creatures and parasites about him.

Sir, gentlemen may make themselves merry, but what I have said may, perhaps, when it is too late, be found to be true; and whatever the honourable gentleman and his friends may pretend to think of the present motion, I must be of opinion, that it is not only reasonable, but that it is a natural consequence of what was immediately before mov'd and agreed to; and therefore I hope this house will act so consistently with itself, as to agree to the present motion likewise. What information we may get from the papers mov'd for, with regard to the treaty of *Vienna*, the gentleman who has seen them can best tell; but as that treaty was the immediate consequence of the negotiations relating to the execution of the treaty of *Seville*, I must think that the journal of those negotiations will afford us some light, with regard to that treaty which immediately followed; and therefore I hope the gentleman will excuse me for not taking it upon his word, that the papers called for, can have no manner of connexion with the treaty which

‘ which we seem now resolved to take into consideration.’

Mr. Pulteney's speech.

William Pulteney, Esq; Sir, I stand up now, as I have been obliged to do upon many other occasions, to assert the rights and the privileges of this house; we have not only a right to call for what papers we think necessary for our information, but we have a right to have the papers so called for laid before us. The hon. gentleman on the floor, seems highly offended at an expression which dropt from my hon. friend by me. I will agree with him, that this house may or may not agree with the present, or with any other motion that shall hereafter be made by any gentleman in this house: This is a privilege which I hope shall always be preserved, not only in show but in reality: I hope no gentleman shall ever attain to such a power as to have a majority in this house, always ready to approve of what he pleases to propose; and I will likewise agree with him in this, that when any motion is rejected by a majority, it then becomes an act of the house, in which every gentleman must acquiesce; but I hope he will agree with me, that till the question is put upon any motion, and the opinion of the house taken upon it, it does not till then become an act of the house: Now, as no question has yet been put upon the present motion, and as it has yet been opposed only by those who are immediately concerned in the administration, I think it may very properly be said, that what has been asked has been refused by power, or at least by those in power.

‘ The gentlemen who opposed this motion are forced to acknowledge, that this house has a power of calling for what papers we please, but then, say they, you ought not to call for the papers relating

‘ relating to any foreign negotiation, because all such
‘ papers must contain secrets which ought not to be
‘ published to the world. Is not this, Sir, saying
‘ and unsaying in the same breath? You may call
‘ for what papers you please, but you must not call
‘ for the papers relating to any foreign negotiation,
‘ because the addressing for such appears, at first
‘ sight, to be such an address as his Majesty cannot
‘ comply with. Sir, I say, that when this house
‘ finds it necessary, they may call for all the papers
‘ relating to any negotiation whatever, and may in-
‘ sist upon having all of them laid before the house.
‘ Do not we know, that upon such occasions we name
‘ a secret and select committee, to inspect such pa-
‘ pers, and to report what they find in them re-
‘ lating to the affair under our consideration; and I
‘ hope, Sir, we shall always have in this house ten
‘ or a dozen of gentlemen, as capable to distinguish
‘ what ought to be kept secret, and as capable to
‘ keep those secrets, as any secretary or other mi-
‘ nister of state, that is or ever shall be in this na-
‘ tion.

‘ I am really, Sir, surpris’d to hear gentlemen
‘ pretend, that there is no connexion between the
‘ negotiations for carrying the treaty of *Seville* into
‘ execution, and the treaty of *Vienna*; when by that
‘ very treaty of *Vienna* the treaty of *Seville* was ac-
‘ tually carried into execution. It is plain to the
‘ whole world, that the treaty of *Vienna* was the
‘ last negotiation set on foot for carrying the treaty
‘ of *Seville* into execution; and in order to judge of
‘ this last negotiation, we only desire to see the pa-
‘ pers relating to the preceding negotiations, which
‘ were carried on for that same purpose. It may,
‘ for what I know, be true, that by the treaty of
‘ *Vienna* we entered into no engagements, but such
‘ as we were obliged to by the nature of things,
‘ and the circumstances of the affairs of *Europe*; but
‘ it must surely be granted, that an express stipula-
‘ tion

‘ tion is more binding than a natural obligation, and
‘ that no prudent man will confirm a natural obli-
‘ gation by an exprefs stipulation, unless he has some
‘ very good consideration for so doing: If we had
‘ entered into no exprefs engagements, we would
‘ have left our posterity in the same case we were in
‘ ourselves; they might then have judged as well
‘ as we, by the nature of things, and the circum-
‘ stances of the affairs of *Europe*, as they should then
‘ have appeared to them; but now they are pin-
‘ ned down, they must judge only by the terms of
‘ the treaty which we have made for them; and
‘ though the nature of things, and the circum-
‘ stances of *Europe* should be intirely alter’d, it will,
‘ without doubt, be insisted on, that they ought to
‘ perform those engagements we have subjected them
‘ to.

‘ The hon. gentleman said, that if the nation was
‘ in an unhappy situation, and if that situation was
‘ owing to any mismanagement at home, it ought
‘ to be inquired into, and that on the foot of such
‘ an inquiry, he was ready to join issue with any gen-
‘ tleman in this house: On that foot, Sir, I am ready
‘ to join issue with him: To me there is nothing
‘ appears more certain, than that we are in a most
‘ lamentable and calamitous situation; and even from
‘ the lights I have already, I am convinced, beyond
‘ all doubt, that our present situation is owing to the
‘ mismanagement of those at home: It may, I be-
‘ lieve, be proved, to the satisfaction of every un-
‘ biaffed person; but I must say, that if the hon. gen-
‘ tleman’s opinion prevails in the present debate, he
‘ is taking a very effectual method to prevent its be-
‘ ing in the power of any gentleman to bring proofs
‘ of what I have now asserted: While he is posses-
‘ sed of all or most of the materials necessary for such
‘ a proof, it is an easy matter first to deny gentle-
‘ men any access to them, and then to throw out a
‘ defiance; but this will not, I hope, be in his power;
‘ I hope

‘ I hope the house will, in the present question,
‘ join with me in opinion, that it is absolutely neces-
‘ sary for us to have the papers now called for laid
‘ before us.

‘ I would gladly know, how it is possible for the
‘ Parliament to give the nation any relief in its pre-
‘ sent melancholy circumstances, if we are denied
‘ access to those particulars from which only we can
‘ know what our present situation is. If the que-
‘ stion should come before us, whether or no we
‘ ought to take any part in the present war; Can
‘ we pass any judgment upon such a question, with-
‘ out first knowing how we stand engaged to the se-
‘ veral powers abroad? And can we know any thing
‘ of this, without first examining the many treaties
‘ and negotiations which have been carried on of
‘ late years? If we are to take no part in the war,
‘ we must provide for the safety of the nation; how
‘ can we do this properly, and as it ought to be
‘ done? How can we judge of the estimates that are
‘ to be laid before us for that end, without knowing
‘ what danger the nation is in? And how can we
‘ know our danger, without knowing how we stand
‘ with respect to our foreign alliances and engage-
‘ ments? For those ends, Sir, we must have not
‘ only the papers now moved for, but, in my opi-
‘ nion, a great many others will be necessary, in
‘ order to give us those lights which we ought cer-
‘ tainly to have.

‘ As I have said before, Sir, even as things now
‘ appear to me, all that has happened is the work
‘ of our own hands; the weakness of those whom
‘ many already look upon as our friends, and the
‘ strength of their enemies, is all of our own doing:
‘ Gentlemen were told of it at the time when those
‘ transactions were carrying on, but they were too
‘ wise to listen to advice. When the whole chain
‘ and series of our management for several years past,
‘ comes to be impartially looked into, what I now

‘ say will be found to be true : Certain causes will
 ‘ be found producing certain effects ; these effects
 ‘ afterwards becoming causes, and producing other
 ‘ effects, till at last we have arrived at the miserable
 ‘ state we are now in ; but these are matters which
 ‘ I hope will soon come to be more fully opened,
 ‘ and clearly stated to this house.

‘ The hon. gentleman said, that motions were of-
 ‘ ten made with no other view but to have negatives
 ‘ put upon them ; if that be the case, as to the pre-
 ‘ sent motion, the gentleman and his friends may
 ‘ easily disappoint us of the negative we are sup-
 ‘ posed to expect ; and I wish, with all my heart,
 ‘ that the gentleman would give himself the plea-
 ‘ sure of disappointing me and some other gentle-
 ‘ men, the obliging of whom did never, I am per-
 ‘ suaded, yield him any great delight.

*Joseph D’Anvers, Esq; member for Bramber in
 Sussex.* ‘ Sir, I am intirely against your question ;
 ‘ I think it a most unreasonable proposition ; and I
 ‘ must say, that, in my opinion, it would be al-
 ‘ together as right and as dutiful in us, to address
 ‘ his Majesty to bring his cabinet, with all the papers
 ‘ in it, and lay it upon the table, or upon the floor
 ‘ of this house, to be perused by the members. An
 ‘ honourable gentleman who spoke last but one,
 ‘ talked of the language of the people of *England*,
 ‘ and seem’d to insinuate, as if they abused and railed
 ‘ at the ministry. As to that, Sir, I have been,
 ‘ since last session, in several counties of *England*,
 ‘ and have conversed with people of different par-
 ‘ ties, and I never heard any man reproach the mi-
 ‘ nistry ; on the contrary, they seemed all to think,
 ‘ that the only dispute among us here was, who
 ‘ should be minister ; and as this is a dispute which
 ‘ the generality of the people of *England* are no way
 ‘ concerned in, gentlemen are much mistaken, if
 ‘ they

‘ they imagine that the people of *England* trouble
 ‘ their heads about it.’

The question was then put upon the motion,
 and upon a division carried in the negative, 195
 to 104.

On *Friday* the 25th of *January*, Samuel Sandys, Motion for
instructions.
 Esq; stood up, and spoke to the following effect,
viz. ‘ Sir, as we have been told, not only upon
 ‘ the occasion of our address in answer to his Ma-
 ‘ jesty’s speech from the throne, but have likewise
 ‘ heard, from gentlemen in a late debate, that the
 ‘ principal causes of the war now carrying on in *Eu-*
 ‘ *rope*, proceeded from those obstructions which were
 ‘ thrown in the way at the late election of a King of
 ‘ *Poland*; I shall therefore beg leave to move, that
 ‘ an humble address should be presented to his
 ‘ Majesty, that he would be graciously pleased to
 ‘ give direction, that the several instructions to Mr.
 ‘ *Woodward*, his Majesty’s minister in *Poland*, in the
 ‘ year 1729, should be laid before the house.

‘ It is very well known, Sir, that the late King
 ‘ of *Poland* was at that time in a bad state of health,
 ‘ so bad that even his life was despair’d of, and there-
 ‘ fore we need not doubt, but that there were some
 ‘ measures then laid down for regulating, or at least
 ‘ influencing the election of a new King: As we
 ‘ had a minister there at that time, it is as little to
 ‘ be doubted, but that we were at least consulted,
 ‘ perhaps, by all parties concerned; we had a right
 ‘ to intermeddle, because there are, I believe, some
 ‘ treaties subsisting between us and the republic of
 ‘ *Poland*; and we were certainly interested in that
 ‘ great event, because of the extensive trade carried on
 ‘ by our subjects in that fruitful kingdom: ’Tis true,
 ‘ the then King of *Poland* happen’d to live for a few
 ‘ years after; but it is probable that the measures
 ‘ then agreed on were much the same with those

‘ which have been since pursued ; or at least that
 ‘ the measures then concerted, very much influenced
 ‘ some of those measures which have been since car-
 ‘ ried into execution : For this reason I should be
 ‘ glad to see, and I think it is absolutely necessary
 ‘ for this house to see the instructions at least,
 ‘ that were sent to our ministers at that time, before
 ‘ we can determine any thing as to the state in
 ‘ which we stand at present, with respect to the
 ‘ war now unhappily begun in *Europe*, and there-
 ‘ fore I have taken the liberty to make you this mo-
 ‘ tion, which I hope the house will agree to.’

This motion being seconded by Mr. *Chetwind*,
 there ensued upon it a debate, in which the following
 gentlemen spoke in substance as follows, viz.

Mr. Pel-
 ham's
 speech.

Henry Pelham, Esq; ‘ Sir, the motion now made
 ‘ by the worthy gentleman, can, in my opinion, bear
 ‘ but a very short debate. For my own part, I real-
 ‘ ly think it a most improper motion, nor can I ap-
 ‘ prehend what the gentleman means by going so
 ‘ far back as the year 1729. I do not indeed re-
 ‘ member any thing of the King of *Poland*'s bad state
 ‘ of health at that time ; but let that be as it will, it
 ‘ is certain, that if he was then indisposed, he reco-
 ‘ vered of that indisposition, and did live for a long
 ‘ time after in a state of perfect health ; and even
 ‘ when he did die, I believe it will be granted, that,
 ‘ but a very few days before his death happen'd, he
 ‘ was in as good a state of health, and as likely to
 ‘ live as most men of his age in *Europe*.

‘ I wish, Sir, as has been wished in a former de-
 ‘ bate, that gentlemen would be so candid as to de-
 ‘ clare what they really intend by such motions as
 ‘ they have made of late : If they would once fairly
 ‘ tell what they mean, we might form some judg-
 ‘ ment, whether what they asked for was necessary
 ‘ for

‘ for attaining the ends they propose, and in that
 ‘ case, if any thing necessary or reasonable should
 ‘ be refused them, they would then have some just
 ‘ ground of complaint ; but thus to move, day
 ‘ after day, for all letters, all instructions, sent to his
 ‘ Majesty’s ministers at the several courts of *Europe*
 ‘ in general, is a method of proceeding altogether
 ‘ new in this house ; and if these motions were com-
 ‘ plied with, I can see nothing they could possibly
 ‘ tend to, but to the increasing of those troubles
 ‘ and commotions which are already begun in *Eu-*
 ‘ *rope*: This would, as I take it, be one of the cer-
 ‘ tain consequences of the motion now made to us,
 ‘ and therefore, as a person no way concern’d in the
 ‘ administration, but as a member of this house, I
 ‘ shall heartily give my negative to the question.

Horatio Walpole, Esq; ‘ Sir, after what has been Mr. Wal-
pole’s speech
 ‘ said by my honourable friend, it may, perhaps,
 ‘ be thought, that I give both this house and myself
 ‘ unnecessary trouble, in urging any thing farther
 ‘ against the question now before us. If we should
 ‘ agree to this motion, it would, in my opinion, be
 ‘ shewing a very great disrespect to his Majesty ; for
 ‘ as his Majesty has, in his speech from the throne,
 ‘ assured us, that he had no share in those measures
 ‘ which have occasioned the present war, other than
 ‘ by his good offices ; and as this motion, if it means
 ‘ any thing, means to insinuate, that his Majesty
 ‘ has had a share in the late transactions relating to
 ‘ the election of a King of *Poland* ; our agreeing to
 ‘ it, would plainly be, to tell his Majesty that we
 ‘ suspect he has had a very great share in those mea-
 ‘ sures which gave occasion to the present war ;
 ‘ and therefore, Sir, I must say, that I have a
 ‘ better opinion of this house, than to believe
 ‘ that they will ever agree to a motion so in-
 ‘ consistent with that duty and respect, which we

U 2

‘ have

‘ have expressed in our address of thanks to his Majesty.

‘ There are some gentlemen, Sir, who seem to have laid it down as a principle, that every thing that’s wrong, happen in what corner of *Europe* it will, must be owing to the mismanagement of the ministers of *Great Britain*, and those gentlemen do all they can to persuade other people to think in the same manner; but to imagine, that if any wrong steps have been made by any power in *Europe*, with regard to the election of a King of *Poland*, they must be owing to the misconduct of our ministers, or to imagine, that any instructions given to our minister in *Poland* in the year 1729, can have any relation to what has lately happen’d either in that or any other kingdom in *Europe*, has really something so ridiculous in it, that I can hardly believe the gentleman was in earnest, when he made the motion. From such motions it may be expected, that in a few days some gentleman will rise up, and move for the instructions sent to the Lord *Kinnowle*, at *Constantinople*, in order to prove from them, that the defeat given to the *Bashaw Topal Osman*, by the *Persian* general *Kouli Kan*, was owing to the ministry here.

‘ The same gentlemen have of late pretended to be very artful and dextrous, not only in discovering the hidden causes of things past, but in prophesying and foretelling future events. I have lately seen a pamphlet, which was, I suppose, wrote by one of those prophetic gentlemen; but I am afraid they, like all other false prophets, will very soon come to lose credit, even among those who are at present their most implicit believers. When any event has actually come to pass, they cry, O! this we told you long ago, and thus they pretend to have foretold every great event that has lately happened in *Europe*; but I would gladly ask them, where or when any of them have prophesied, what
‘ potentate,

‘ potentate, or in what manner any potentate, would
 ‘ interfere in the election of a King of *Poland*?
 ‘ Have any of them prophesied that the King of
 ‘ *Sardinia* would grant a passage to the *French* troops,
 ‘ through his territories, to *Italy*, or did they pro-
 ‘ phesy, that he would join with *France* in declaring
 ‘ war against the emperor? Have any of them pro-
 ‘ phesied, that the two strong forts of *Milan* and
 ‘ *Pizzighitone*, that might have been reasonably
 ‘ supposed to have held out a siege of five or six
 ‘ months, should have been taken in a few weeks?
 ‘ In short, Sir, they have pretended to foretel every
 ‘ thing, and have really foretold nothing; but
 ‘ this being a digression from the question, I shall
 ‘ say no more about it. As to the motion it self,
 ‘ it appears to me in such an odd light, that I dare
 ‘ say, the gentleman who made it, when he con-
 ‘ siders better of it, will rather withdraw it, than
 ‘ have it stand in the votes of this house; if
 ‘ he does not, I shall certainly give my negative to
 ‘ it.

Sir *Charles Wager*. ‘ Sir, the honourable gen-
 ‘ tleman who spoke last having mention’d pamph-
 ‘ lets, brings to my mind, that I have lately seen
 ‘ one, which I believe I should not have read, had
 ‘ I not been told that my name was mentioned in
 ‘ it. ’Tis true, that about the times mention’d in
 ‘ that pamphlet, we were obliged to fit out some
 ‘ squadrons of men of war; and though I thought
 ‘ myself then old enough to be laid aside, yet I
 ‘ had the honour to be appointed, by his Majesty,
 ‘ commander of some of them: With one of those
 ‘ squadrons I sailed to the *Baltic*, for the relief of
 ‘ *Sweden*, which was then in a very dangerous situa-
 ‘ tion, the *Muscovites* having then a large squa-
 ‘ dron at sea, with which they were plundering and
 ‘ ravaging their coasts, at the same time that they

Sir Charles
 Wager's
 speech.

‘ were attacking them with a numerous army by
‘ land. The very news of our fitting out such a
‘ squadron for the *Baltic* had so good an effect,
‘ that before I had arrived at *Stockholm*, the *Mus-*
‘ *covites* had agreed to conclude a peace with *Swe-*
‘ *den*, upon reasonable terms, so that when I came
‘ to *Stockholm*, I was told by the court, that they
‘ had no farther occasion for our fleet; but the
‘ fright that the poor people were in, upon all the
‘ parts of that coast, which I touched at, and the
‘ joy they expressed upon the seeing our fleet,
‘ was a plain demonstration of the danger they
‘ thought themselves in.

‘ I went afterwards, Sir, to the coasts of *Spain*,
‘ with another squadron, where I cruiz’d and look’d
‘ out with all possible care for the *Spanish* flotilla,
‘ then expected home; they, indeed, had the good
‘ fortune to escape me, but if the gentleman who
‘ wrote that pamphlet knew the place I was obli-
‘ ged to cruize in, and the only place I could
‘ properly cruize in, for the intercepting of the
‘ *Flotilla*, and if he knew the great seas that roll
‘ there in the winter time, he would not have had
‘ occasion for long nights, or foggy weather, as a
‘ reason for my having missed meeting with the *Flo-*
‘ *tilla*; he would have known, that at that time of
‘ the year they might have passed even within my
‘ view, without its being in my power either to
‘ come up with them, or to fire a gun at them: But
‘ gentlemen often censure other people’s actions, be-
‘ cause they know nothing of the matter, and are
‘ quite ignorant of many circumstances which are
‘ necessary to be known, before they can form a
‘ right judgment about what they take upon them
‘ to criticise.

‘ I have, Sir, served as an officer in the navy,
‘ ever since the revolution, and, I hope, I have
‘ hitherto served without the least reproach: I am
‘ sure I have always endeavour’d to serve my coun-

‘ try to the utmost of my power; and therefore I
 ‘ hope gentlemen will take care not to throw any
 ‘ reflections upon my conduct. But some people
 ‘ seem to think, that, with our squadrons, we may
 ‘ do whatever we please, and that, if a squadron is
 ‘ fitted out we must fight, whether there be any oc-
 ‘ casion for it or no; I believe they think that, with
 ‘ the last squadron we had at *Spithead*, we ought to
 ‘ have fought the *Dutch*, who came and joined us,
 ‘ rather than not to have fought at all; but surely
 ‘ this, as it is a very monstrous opinion, cannot be
 ‘ a general opinion: We may perhaps this year fit
 ‘ out a squadron, and possibly they too may go no
 ‘ farther than *Spithead*, they certainly will not, un-
 ‘ less there be a necessity for proceeding farther; but
 ‘ when all our neighbours are fitting out squadrons,
 ‘ and making great military preparations, it would
 ‘ surely be very imprudent in us, not to put our-
 ‘ selves at least in a posture of defence.

William Pulteney, Esq; ‘ Sir, I am very apt to Mr. Pulteney's speech.
 ‘ believe, my honourable friend over the way, who
 ‘ made you this motion, was very serious, as he
 ‘ always is in every motion he makes in this house.
 ‘ The reason he gave for his motion was a very
 ‘ strong one, so strong that it has not as yet met
 ‘ with any answer; for if it should appear, that we,
 ‘ at the time he mentions, concerted measures in con-
 ‘ junction with other powers, for regulating or in-
 ‘ fluencing the next election of a King of *Poland*,
 ‘ and that the plan then laid down has been since
 ‘ pursu’d, these instructions will certainly inform us,
 ‘ and from thence we may know a little more of our
 ‘ present situation than we do at present: But I find,
 ‘ Sir, if the opinion of some gentlemen prevail, we
 ‘ are to have no information at all; and in that case,
 ‘ how we can answer his Majesty's expectations, who
 ‘ desires our advice and assistance, I leave to every
 ‘ gentleman to judge.

‘ The honourable gentleman who spoke last but
 ‘ one, talked of prophecies, and asked, what those
 ‘ prophets had prophesied ; had they, said he, pro-
 ‘ phesied this ? or had they prophesied that ? What
 ‘ prophets or prophecies he means, I do not know ;
 ‘ but I may say, that without any great spirit of
 ‘ prophecy, the moment you separated the courts of
 ‘ *Vienna* and *Spain*, every thing that has since hap-
 ‘ pened, might have been easily foretold. The
 ‘ gentleman likewise talked of pamphlets : I Sir,
 ‘ have likewise seen a pamphlet, lately publish’d,
 ‘ and whether from the stile it is wrote in, or the
 ‘ perplexity in the way of thinking, which is dis-
 ‘ covered in every part of it, I think I can be al-
 ‘ most certain as to the author of it. (Here he gave
 ‘ a description of the person he supposed to be the
 ‘ author of it.) The whole of this fine performance
 ‘ results in this, That the nation is in a very bad
 ‘ situation ; something must be done, but what is to
 ‘ be done, the author does not know : If we do one
 ‘ thing, we are still in the same situation we were
 ‘ before, perhaps worse ; if we do another thing, our
 ‘ case will still be the same : In short, he at last leaves
 ‘ us in the same wretched condition he found us ;
 ‘ upon which, Sir, I must suppose this case : Sup-
 ‘ pose a physician to have a patient for some time
 ‘ under his hands ; the patient lingers and decays,
 ‘ and at last finds himself in so low and weak a con-
 ‘ dition, that he begins to despair ; the physician is
 ‘ sent for, the patient complains, and asks what must
 ‘ be done ? The doctor answers gravely, Sir, you
 ‘ are indeed in a very bad state : There are but two
 ‘ or three ways of treating your distemper, and I
 ‘ am afraid neither of them will do ; a vomit may
 ‘ throw you into convulsions, and kill you at once ;
 ‘ a purge may give you a diarrhea, which would cer-
 ‘ tainly carry you off in a short time ; and to bleed
 ‘ you, Sir, I have already bled you so much, and so
 ‘ often, that you can bear it no longer : In such a
 ‘ situation

‘ situation would not the patient probably exclaim
‘ against his doctor, and say, Sir, you have always
‘ pretended to be a regular physician, but I have
‘ found you to be an arrant quack ; I had an excel-
‘ lent constitution when I came first into your hands,
‘ but you have quite destroyed it ; and now I find
‘ I have no other chance for saving of my life, but
‘ by the calling for the help of some regular phy-
‘ sicians.

‘ But, Sir, to be altogether serious, for the subject
‘ is really of a very serious nature ; if gentlemen
‘ have a mind to do something for the safety of the
‘ nation in our present melancholy circumstances, and
‘ seriously to ask the advice and assistance of Par-
‘ liament, those things that are necessary for our in-
‘ formation, must not be denied : Their being refu-
‘ sed by a majority, which seems to be almost the
‘ only argument urged by gentlemen who oppose
‘ these motions, will not have any weight with the
‘ nation ; gentlemen, it is true, must acquiesce in
‘ what is done by the majority, but it will not have
‘ all that force without doors, as some may imagine.
‘ I know, Sir, it is not allowable to say any thing
‘ against what is done by a majority of this house ;
‘ but there are certain methods of speaking, which
‘ are not against order, and which might, notwith-
‘ standing, make gentlemen feel, that an answer
‘ could be given, even to that unanswerable argu-
‘ ment of its having been done by a majority.

‘ I have known, Sir, in former Parliaments, most
‘ scandalous things done by a corrupt majority ; any
‘ thing’s being done or resolved upon by a majority
‘ even of this house, will not make it right, nor con-
‘ vince the nation that it is so : We know, Sir, what
‘ opinion the whole nation had of that wicked
‘ scheme, which was before us last session ; we know
‘ what abhorrence they still have of it, and of many
‘ of those who voted for it ; and yet that scheme, to
‘ use an honourable person’s own words, was attend-
‘ ed

‘ ed with a majority in every division ; but this is
 ‘ foreign to the question, I only mention it to shew
 ‘ how unfairly that argument of a majority is urged
 ‘ by those of the other side.

‘ In a late debate, Sir, gentlemen found fault with
 ‘ the question then moved, because of its being too
 ‘ general: They desired that we would be a little
 ‘ more particular, and lay our finger upon some pa-
 ‘ per or papers relating to some particular transac-
 ‘ tion, which might give us the information we de-
 ‘ sired, with respect to our present situation: The
 ‘ election of a King of *Poland*, and the measures
 ‘ that have been taken by certain powers for influ-
 ‘ encing, or rather for directing that election, have
 ‘ been owned upon all hands, to have been what has
 ‘ given rise to the present troubles in *Europe* ; and
 ‘ now when the particular instructions relating to
 ‘ that particular affair, which were sent to our mi-
 ‘ nister at that court, only for one year, and that too
 ‘ several years ago, are moved for, still we are told
 ‘ by the same gentlemen, you are not particular e-
 ‘ nough, your demands are unreasonable ; ask but
 ‘ what is reasonable, and we will give it you, pro-
 ‘ vided the majority agree to it: At this rate it is
 ‘ impossible for Gentlemen who are intirely ignorant
 ‘ of our late foreign transactions, to ask for any
 ‘ thing ; for it is not to be presumed, that any man
 ‘ can ask for any particular paper, from which this
 ‘ house could get a proper Information, even as to
 ‘ any particular transaction, unless he knew very
 ‘ exactly the whole series of that transaction, and all
 ‘ the other transactions relating to it.

‘ The honourable gentleman by me has been plea-
 ‘ sed to declare his willingness to enter into the most
 ‘ strict inquiry ; and for that purpose, has promised
 ‘ a great deal of condescension, as to the laying be-
 ‘ fore the house whatever papers might be thought
 ‘ needful for their Information ; but what has all
 ‘ this

‘ ’ ‘ ’ ‘ ’

‘ ’ ‘ ’ ‘ ’

‘ ’ ‘ ’ ‘ ’

‘ this come to? Why, he and the Majority, have con-
 ‘ descended to give us a treaty, which has long ago
 ‘ been in print, and published in, I believe, most of
 ‘ the countries in *Europe*. I must say, Sir, that such
 ‘ treatment is intolerable; I do not know what name
 ‘ to give it; but I shall avoid giving names: I
 ‘ would not willingly fling the first stone, but if
 ‘ any stone be flung at me, I shall always be ready
 ‘ to fling it back again.’

Horatio Walpole. ‘ Sir, The honourable gentle-^{*Horatio Wal-*}
 ‘ man who spoke last, ended his speech, with saying, ^{*pole's speech.*}
 ‘ that he would not willingly fling the first stone;
 ‘ but it seems he had then forgot what he had said
 ‘ but a very little before, by which, if he did not
 ‘ fling a stone, he at least, in my opinion, threw a
 ‘ very great pebble at the whole house: After having
 ‘ told us, that it was not allowable to say any thing
 ‘ against what was done by the majority of this
 ‘ house, he said, that there were, notwithstanding
 ‘ some methods of speaking, which were not against
 ‘ order, and by which gentlemen might be made
 ‘ to feel, that an answer might be given to what the
 ‘ majority had thought unanswerable; then he talk-
 ‘ ed of scandalous things having been done in for-
 ‘ mer Parliaments by a corrupt majority: Now,
 ‘ Sir, I would be glad to know how this house can
 ‘ feel any thing that is said of former Parliaments,
 ‘ unless it be meant, that the present Parliament is
 ‘ of the same nature with the former Parliaments
 ‘ talked of: This, Sir, as I have said, seems to be
 ‘ a very great pebble thrown at the whole house;
 ‘ besides the dirt he had before flung at the supposed
 ‘ author of a pamphlet lately published, whom he
 ‘ took care to describe so particularly, that, I be-
 ‘ lieve every gentleman thinks, the author, or at
 ‘ least the supposed author of that pamphlet, is now
 ‘ speaking to you; but I can freely declare, that I
 ‘ am not the author of it; I have indeed read it,
 ‘ and

‘ and I believe the greatest quarrel that gentleman
‘ and his friends have with it, is, that they do not
‘ know how to answer it.

‘ The honourable gentleman likewise mentioned
‘ the case of a patient and his physician ; but I leave
‘ the world to judge, who most deserve the appel-
‘ lation of quacks ; they who have the proper de-
‘ grees, and practise in a regular manner, or
‘ that gentleman’s friends who have been for some
‘ years past dispersing their quack bills round the
‘ country, exclaiming against all those in the regular
‘ practice, and endeavouring to persuade people in
‘ good health, that they are in a dangerous condition ;
‘ and that if they do not immediately discharge all
‘ their regular physicians, and swallow their quack
‘ powders, they must inevitably perish.

‘ But, Sir, to be serious, as the gentleman said,
‘ upon this subject, tho’ I cannot think that the sub-
‘ ject now before us is so serious, as he would repre-
‘ sent ; if those gentlemen would fairly and openly
‘ enter into the consideration of the state of the na-
‘ tion, I will defy that gentleman, or any other gen-
‘ tleman to shew, that those in the administration
‘ have acted any part, or entered into any measures,
‘ but what were, at the time they were transacted,
‘ the most consistent with the interest of *Great Bri-*
‘ *tain*, of any that could then be thought of, or en-
‘ tered into. Gentlemen may give to the present
‘ administration, the name of a shifting administra-
‘ tion ; gentlemen may say, that they have wheeled
‘ about from court to court, but upon inquiry it will
‘ appear, that they have never shifted or wheeled,
‘ but when the interest of their country required it ;
‘ and that if there has been any shifting or wheel-
‘ ing, it was always owing to a change of the mea-
‘ sures at other courts : As long as any power in
‘ friendship or alliance with us, continued to act a-
‘ greeably to the interest of *Great Britain*, so long
‘ we continued firm to them ; but when any of them
‘ began

‘ began to enter into measures which were directly
‘ opposite to our interest, we then likewise changed
‘ our measures, and had recourse to other powers,
‘ who, from that moment, became our more natural
‘ allies: This, Sir, has been the method always ob-
‘ served by those in the administration; but I know
‘ who they are, who have shifted and wheeled with
‘ quite another view than that of the interest of
‘ *Great Britain*; when we were in friendship with
‘ *France*, they were caballing with the ministers and
‘ agents of the Emperor; when the face of affairs
‘ changed, and our friendship with the Emperor was
‘ restored, they then caballed with the ministers and
‘ agents of *France*; and thus they have been always
‘ in the greatest friendship with those who have been
‘ most at enmity with their native country.

‘ In short, Sir, I find that those gentlemen who
‘ call themselves patriots, have laid this down as a
‘ fix’d principle, that they must always oppose those
‘ measures, which are resolved on by the King’s
‘ ministers, and consequently must always endeavour
‘ to shew, that those measures are wrong; and this,
‘ Sir, I take to be the only reason, why they have
‘ been as yet so silent as to a certain subject, in which
‘ the interest of their country is very much con-
‘ cern’d: Their language at present is, as I suppose,
‘ do not let us declare our opinion; let us wait till
‘ we know what part the ministry takes, and then let
‘ us endeavour to shew, that they ought to have acted
‘ quite otherwise: If I may be allow’d to use a low
‘ simile, they treat the ministry in the same way as
‘ I am treated by some gentlemen of my acquaint-
‘ ance, with respect to my dress; if I am in plain
‘ cloaths, they then say, I am a slovenly dirty fel-
‘ low; and if by chance I have on a suit of cloaths
‘ with some lace upon them, they cry, what, shall
‘ such an awkward fellow wear fine cloaths? So that
‘ no dress I can appear in, can possibly please them.
‘ But to conclude, Sir, the case of the nation under
‘ the

‘ the present administration, has been the same with
 ‘ what it always has been, and always must be ; for
 ‘ to use another simile, which my worthy friend
 ‘ over the way, whom I have in my eye, will un-
 ‘ derstand : As long as the wind was fair and proper
 ‘ for carrying us to our designed port, the word
 ‘ was steddly——steddy ; but when the wind began
 ‘ to shift and change, the word came then neces-
 ‘ sarily to be, thus——thus, and no nearer.’

Sir William
 Wyndham's
 speech.

Sir *William Wyndham* stood up next ; whereupon Mr. Speaker got up, and said, That gentlemen had so much run away from the question in debate, that, before he began, he would beg leave to read the question. Then Sir *William* went on, ‘ I shall take
 ‘ care, Sir, in what I have to offer, to confine my-
 ‘ self as strictly to the question as possible, though I
 ‘ must say, that those gentlemen who have spoke
 ‘ against it, have made such long digressions, and
 ‘ have traversed so many parts of *Europe*, that it is
 ‘ a difficult matter to say any thing in answer to
 ‘ what they have been pleased to advance, and at the
 ‘ same time to keep close to the question. As to the
 ‘ digressions which the gentlemen have run into, I
 ‘ shall not give the house much trouble about them ;
 ‘ and as to arguments, the only two that I have
 ‘ heard made use of, or so much as hinted at, against
 ‘ the question, are, that the agreeing to the motion
 ‘ now made to us, would be shewing a disrespect to
 ‘ his Majesty ; and, that, if it should be agreed to,
 ‘ it could be of no service, as to the giving us any
 ‘ information about our present circumstances.

‘ It is said, Sir, that the agreeing to this motion
 ‘ would be shewing a disrespect to his Majesty, be-
 ‘ cause it would be shewing a sort of suspicion, that
 ‘ his Majesty has had a share in those transactions
 ‘ which have given occasion to the present war, tho’
 ‘ he has, in his speech from the throne, declared,
 ‘ that

that he has had no share in them. The answer to this objection is plain; we all know, it has been always allowed in this house, that speeches from the throne are the speeches of the minister, and upon that supposition it has always been thought, that neither this house, nor any member of this house, is guilty of any disrespect to his Majesty, by examining and canvassing, with all possible freedom, every sentence of the speech from the throne; even the facts, there asserted, may be denied; and if upon examination it should be found, that they are false, the minister ought and certainly would answer severely for it. This is the very case now before us: It is allowed of on all hands, that the election of a King of *Poland*, is the principal cause of the war now broke out in *Europe*; and to tell us, that his Majesty has said, that he has had no share in that transaction, and that therefore we must not inquire into it, is a direct begging of the question: The ministers, are the only persons we can suppose to have said so, and there are other gentlemen who affirm, or, at least, suspect the contrary: This is a fact then that is controverted; this is the fact, which this house is to inquire into; and when a motion is made for having those papers laid before us, which are necessary for giving us some lights into this affair, shall gentlemen be told, that such a motion is improper, because it is inconsistent with that respect which we have professed for his Majesty, in our address of thanks? If this house can be persuaded to accept of such an excuse, if a majority of this house can be prevail'd on to join in such a method of proceeding, those gentlemen who can so prevail upon them, may throw out as many defiances as they please; They are the sole masters of all the proofs that are necessary for, or can be made use of upon any inquiry, and they are, it seems, resolved to continue so.

Whether

‘ Whether this House, Sir, can have any proper
‘ information from the instructions now called for,
‘ as to the fact in dispute at present, is what I shall
‘ not take upon me to determine, nor can it be, in
‘ my opinion, determined, by any gentleman in this
‘ house; but to me it seems very probable, that we
‘ may from these instructions, receive some lights,
‘ which may enable us to determine, how this na-
‘ tion stands engaged, with respect to the war now
‘ carrying on in *Europe*, since the principal reason
‘ of that war, is allowed to be founded upon the
‘ late election of a King of *Poland*. Gentlemen may,
‘ if they please, pretend ignorance; but it is very
‘ certain, that the late King of *Poland* was in the year
‘ 1729, in a very bad condition, with respect to his
‘ health, and therefore it seems certain, that some
‘ measures must have been concerted, relating to the
‘ then future election of a King of *Poland*; whether
‘ we had any, and what share in those measures, is
‘ what this house now wants to inquire into, and to
‘ me it seems as evident as any demonstration what-
‘ ever, that the seeing of those instructions is abso-
‘ lutely necessary for this end. It is true, the King
‘ of *Poland* did recover a little, and did live for a
‘ few years after; but he never was after that in a
‘ state of perfect health, and, consequently, it is most
‘ reasonable to believe, that the measures then con-
‘ certed, were the same with, or, at least, did very
‘ much influence, the measures actually pursued upon
‘ the demise of that King: If we had no share in
‘ the transactions at that time carried on in *Poland*,
‘ surely no secret can be discover’d, by the laying of
‘ those instructions before this house; and if we had
‘ any share in those transactions, it cannot be said, I
‘ think, that we have no manner of share in those
‘ transactions which have occasion’d the present war
‘ in *Europe*.

‘ What share we had in those transactions, till I
‘ see those instructions, it is impossible for me to
‘ say;

‘ say ; but from the lights I already have, it ap-
‘ pears evident to me, that we have had a very large
‘ share in all the other negotiations which have been
‘ lately carried on in *Europe*. Did not we procure
‘ the introduction of the first *Spanish* forces into *Ita-*
‘ *ly* ? Are not we guarantees for all Don Carlos’s
‘ rights and possessions in *Italy* ? Are not we gua-
‘ rantees for all the Emperors rights and possessions
‘ in *Italy* ? Are not we guarantees even for the prag-
‘ matic sanction in its full extent ? I believe we are
‘ under engagements to every one of the Northern
‘ powers ; and I have heard, that we are under some
‘ engagements to the court of *France* ; so that let a
‘ war have broke out between any two powers in
‘ *Europe*, it will be difficult to shew, that we had
‘ no hand in the transactions which gave occasion to
‘ that war ; upon the contrary, I believe it will
‘ appear, that each of them might have justly made
‘ demands upon us, and this, Sir, is our present
‘ unhappy situation : If this shews great wisdom, or
‘ regular practice (as the gentleman was pleased to
‘ call it) in those at the helm of our affairs, I leave
‘ to the world to judge : We have been running all
‘ over *Europe*, and entering into engagements with
‘ every Prince and state in *Europe*, and all this with-
‘ out any national benefit in view, but generally to
‘ the great detriment of our domestic affairs, and
‘ often to the great interruption of our trade in all
‘ parts of the world ; and how probable it may
‘ be, that the same wisdom which has brought us
‘ into this situation, will be able to extricate us
‘ out of it, is a question which may be easily re-
‘ solved.

‘ We were told, Sir, the first day of the session,
‘ that we were to concert measures, and to act in
‘ conjunction with powers who are under the same
‘ engagements with us, and have not taken part in
‘ the present war, more particularly the States Ge-
‘ neral : But I would gladly know, if we have hi-

' thertotaken any one step in conjunction with them?
 ' Is it not well known, that in most cases we have
 ' lately made the first step by ourselves, and then
 ' have, with great difficulty and expence, prevail-
 ' ed on them to follow us, which they never did
 ' but upon their own terms, and under very great
 ' restrictions and reservations: They have now, in-
 ' deed, done something for their own security, but
 ' what they have done was, I believe, done without
 ' any thing of our participation; they did not so
 ' much, I believe, as consult with us upon the head,
 ' which really looks as if they had some distrust of
 ' our power, or as if they thought they could not
 ' put any confidence in the counsels of this nation;
 ' and if our most natural allies should once begin
 ' to harbour such an opinion of us, we may then
 ' conclude, that there is no dependence to be had
 ' upon their friendship or alliance.

' In short, Sir, if his Majesty expects our advice
 ' upon the present state of the affairs of *Europe*; if
 ' his Majesty expects the assistance of Parliament in
 ' the present exigency of affairs, we must be inform-
 ' ed how our affairs stand, before we can in a pro-
 ' per parliamentary way give either our advice or
 ' assistance: It was with this view, and with this
 ' view only, that some papers have been already
 ' called for, which have indeed been refused by a
 ' majority; it is with this view only that the pa-
 ' pers, mentioned in the motion now before us, are
 ' asked for; and if they likewise be refused by a
 ' majority, we may, perhaps, give his Majesty
 ' such assistance as his ministers shall please to ask;
 ' but I am sure we can give him no advice, nor can
 ' we give a reason for what we do.'

Sir Robert
 Walpole's
 speech.

Mr. Chancellor of the *Exchequer*. ' I will agree
 ' with the hon. gentleman who spoke last, that the
 ' present posture of affairs does require, and his Ma-
 ' jesty expects the assistance of Parliament; but I
 ' will

will say, that the present motion, and some such lately made, had the house agreed to them, would have tended to increase the present troubles and confusions abroad, rather than to have given any real assistance, either to ourselves or others. I believe, Sir, there is not a court in *Europe*, whether engaged in the present war, or otherwise, but expected to have known by the 17th of this month, what part *Great Britain* was to have taken in the present war; as yet it remains unresolved, or, at least, a secret, and it is the interest of *Britain* it should continue to do so; but some gentlemen seem inclined not only to precipitate their country into a resolution, but to publish that resolution, as soon as taken, to the whole world; and which side deserves most the thanks of their country, those who are for our coming to no resolution, till we have fully examined the circumstances of affairs, and ever then concealing our resolutions, till we are just ready to carry them into execution; or those who are for our coming to a hasty resolution, and immediately publishing it to the world, that our enemies may have time to provide against it, I leave to the world to judge.

Whatever other gentlemen may think, Sir, it is my opinion, that our situation is much better than can well be expected; and whenever that matter shall come to be examined into, I believe it will appear, that our present situation is the very best that the nation could possibly be in, with relation to the present posture of the affairs of *Europe*. The gentleman who spoke last, was pleased to mention the states of *Holland*, and that they had done something for their own security; 'tis true, they have done something, they have entered into a treaty of neutrality; whereas we have remained intirely in a state of inaction; but upon this very account, I think, we are in a much better condition than they are; by that neutrality they have

‘ engaged not to act at all, nor to concern themselves
‘ in the present war; we are still at liberty, and
‘ may, upon any event, take that part which shall
‘ then appear to be most for the interest of *Great*
‘ *Britain*: In this then, our case is better than theirs,
‘ because they are engaged, by an express stipula-
‘ tion, not to concern themselves in the present war,
‘ whereas we are under no engagement, but that
‘ natural obligation which lies upon every country,
‘ not to concern themselves in any war, unless they
‘ find it for their interest so to do.

‘ I do not believe, Sir, that the States General,
‘ or any other foreign power, has less trust in the
‘ strength, or less confidence in the counsels of this
‘ nation than they formerly had; but if it were so,
‘ I should not wonder at it, when every post tells
‘ them, that we are a divided nation, and that there
‘ is no dependence to be had upon our present coun-
‘ sels, because great alterations are soon to happen,
‘ which must necessarily produce a thorough change
‘ of all our public measures; and, upon this consi-
‘ deration, I leave it to every impartial man to judge,
‘ if we are in any unhappy situation, who have con-
‘ tributed most to it, those who have honestly and
‘ faithfully served the crown, or those who have
‘ made it their business, for some years, to do all
‘ that was in their power to distress every measure
‘ of his Majesty’s government; and that too, in con-
‘ junction with a person who, I believe, will never
‘ be trusted by any court in *Europe*.

‘ His Majesty, in his speech from the throne, has
‘ told us, that he is not any way engaged in the pre-
‘ sent war, and that he will take time to examine
‘ the facts alledged on both sides, before he comes
‘ to any determination; when he has done so, it is
‘ not to be doubted, but that he will lay all the in-
‘ formations he can get before his Parliament, and
‘ will take the advice of Parliament, what part the
‘ nation ought to take in the then conjuncture; why
‘ then

‘ then should we endeavour to anticipate his Majesty’s wise designs? Why should we run headlong and plunge the nation into a war, by joining either one side or the other, before his Majesty has had any time to examine into the posture of affairs abroad? This seems indeed to be the view of some gentlemen; but surely such a rash proceeding would rather increase than diminish the unhappiness of our present situation; and is very far from that coolness and temper which ought to be shewn, when the very salvation of our country depends upon the prudence and the unanimity of our resolves.

‘ An hon. gentleman, Sir, who spoke some time ago, took indeed a great deal of liberty in talking of majorities of Parliament, but I would have gentlemen to know, that when they talk of such majorities at present, they speak of their equals, as members of this house, of their equals on any ground in *England*; let gentlemen but cast their eyes round the house, and they will find a number of gentlemen superior to the highest number of their minority, who can as little be suspected of corruption, as any of those who generally appear upon the minority side of the question.

‘ It is, Sir, an easy matter for gentlemen to represent the measures lately taken by the government, as unwise, inconsistent, and the like, or to give them what other epithets they have a mind; but when the day comes for inquiring into them, which I as heartily wish for as any gentleman in this house, I believe those measures will appear in a quite different light; and those gentlemen who may, perhaps, have hearkened to every little whisper of some of the foreign ministers at this court, which is, I believe, the only foundation they have for what they have asserted, will find themselves, at last, sorely disappointed. Whenever such an inquiry shall be resolved on, I make no doubt,

‘ but that the majority of this house will agree to
 ‘ call for every paper, that can be thought necessary
 ‘ for giving the house a full information of the pre-
 ‘ sent state of the nation : But this is not the que-
 ‘ stion at present, nor are we now to inquire, whe-
 ‘ ther his Majesty has had any share in those trans-
 ‘ actions which have given occasion to the present
 ‘ war in *Europe* ; and therefore I cannot think we
 ‘ have, at present, any thing to do with any in-
 ‘ structions given to his Majesty’s ministers in *Po-*
 ‘ *land*, or elsewhere.

‘ His Majesty, ’tis true, Sir, expects the assistance
 ‘ of his Parliament, but for what ? He does not im-
 ‘ mediately expect such an assistance, as to enable
 ‘ him to take any part in the present war ; he wants
 ‘ only such an assistance, as may enable him to put
 ‘ the nation in a proper posture of defence ; and
 ‘ surely we may determine what assistance will be
 ‘ necessary for that end, without enquiring into
 ‘ any of our foreign negotiations. It is for this
 ‘ reason, Sir, that I think the house has done right
 ‘ in rejecting all the motions hitherto made for
 ‘ letters and instructions relating to our foreign af-
 ‘ fairs, and, for the same reason, I make no doubt,
 ‘ but that they will likewise reject the present mo-
 ‘ tion.’

The question was then put upon the motion, and
 upon a division was carried in the negative, 202
 against 114.

Another
 Motion.

Immediately after which, *Edmund Waller*, Esq;
 member for *Great Marlow* in *Buckinghamshire*, rose
 up, and after a short speech, moved, ‘ That an
 ‘ humble address should be presented to his Majesty,
 ‘ that he would be graciously pleased to communi-
 ‘ cate to that house, how far he had been engaged,
 ‘ by his good offices, in those transactions which
 ‘ had been declared to be the principal causes and
 ‘ motives of the war, which was then begun and
 ‘ carried

‘ might perhaps have made an application to his
 ‘ Majesty for his assistance; but even such an ap-
 ‘ plication was not to be presumed, because, had
 ‘ any such application been made, it was not to be
 ‘ doubted but that his Majesty, in his speech from
 ‘ the throne, would have taken some notice of it.
 ‘ As this question, Sir, is of the same nature with
 ‘ the former question moved by that gentleman,
 ‘ and founded upon the same jealousy of his Majesty’s
 ‘ conduct, it is impossible for me to have any thing
 ‘ new to urge against it; but I believe it is as im-
 ‘ possible for any gentleman in this house to say any
 ‘ thing new in favour of it, and therefore I shall
 ‘ give the house no farther trouble, only to declare,
 ‘ that I shall give my negative to it, as well as I
 ‘ did to the former.’

Mr. Pulteney’s speech.

William Pulteney, Esq; ‘ Sir, whatever light the
 ‘ hon. gentleman who spoke last may take the pre-
 ‘ sent motion in, I think it must bear a very diffe-
 ‘ rent consideration from the motion formerly made
 ‘ by my worthy friend. I believe it will not be
 ‘ denied, but that we are under some engagements
 ‘ to every one, or at least to most of the powers en-
 ‘ gaged in the present war; and whatever we may
 ‘ at present pretend to think of those engagements,
 ‘ it is very probable, that those to whom we are en-
 ‘ gaged think otherwise: It is not to be doubted,
 ‘ but that some of them think that we are, by the
 ‘ engagements we have entered into, obliged to as-
 ‘ sist them, upon the present emergency; and it is
 ‘ pretty well known, that they have made applica-
 ‘ tion for an immediate performance of those engage-
 ‘ ments. I have heard, that ten thousand land
 ‘ forces, or some such number, has been actually
 ‘ demanded by one of the powers engaged in the
 ‘ war; I will not, indeed, affirm the truth of it,
 ‘ though I have something more than the whisper
 ‘ of a foreign minister to confirm what I say.

It

‘ It is well known, Sir, that in most of the engagements we have entered into with foreign powers, it is left optional to the power we are engaged with, to demand our quota in a squadron of ships, a certain sum of money, or a certain number of troops ; and as we are to go into a committee upon the supply on *Monday* next, there is nothing more reasonable, than that the house should be informed of what demands have been made upon us, and whether those demands have been for ships, money or men, before we go into that committee ; for without such information, it will be impossible for us to know how to come to such resolutions as may be most for the honour and safety of the nation. The motion is therefore so far from being unreasonable, that it is necessary it should be complied with, and if it is not, I cannot really see how we can properly go into the committee upon the supply on *Monday* next.

Sir *William Yonge*. ‘ Sir, I can see no reason why the house may not be fully prepared for going in-
to the committee of supply on *Monday* next, tho’ this motion should be rejected as the others have been, and therefore I do not think it necessary to enter into the debate at present, whether the motion be reasonable or no ; there may be another time for that question ; and for that reason I shall now only move for the previous question.

William Pulteney, Esq;. ‘ Sir, I find the gentleman who spoke last has avoided entering upon the merits of the question, and, by a sort of Parliamentary trick, by moving for the previous question, he intends, it seems, to put off the question for this day, at least ; this, in my opinion, is treating the question with much greater indecency than if it were to be fairly argued, and afterwards rejected ; for if the question be delayed till after *Monday*
next,

‘ next, it will then be too late to enter upon the con-
 ‘ sideration of it ; it will really be in effect first
 ‘ to resolve, and then to enter into the considera-
 ‘ tion of what ought to be resolved ; and there-
 ‘ fore, Sir, I must desire, that the question may
 ‘ be fairly debated, that gentlemen would, at least,
 ‘ give us a reason, for what they are to do, and
 ‘ then let the motion stand or fall upon its own
 ‘ merits.’

Sir William
 Yonge again.

Sir *William Yonge*. ‘ I did not, Sir, intend any
 ‘ trick when I moved for the previous question ; it
 ‘ is what has been always practised in this house,
 ‘ when any question has been moved which gentle-
 ‘ men have a mind to favour so much as not to put a
 ‘ negative upon it : But even as to the merits of the
 ‘ question, it cannot, certainly, have any relation to
 ‘ any resolutions we can possibly come to, on *Mon-*
 ‘ *day* next, in the committee of supply ; for all the
 ‘ resolves we come to in that committee are founded
 ‘ upon estimates given in, or demands made, by
 ‘ the crown, and if any demand were to be made
 ‘ upon this house, to enable his Majesty to send a
 ‘ quota either of ships of war, money, or troops, to
 ‘ any power in *Europe*, such demand would certain-
 ‘ ly be laid before this house by his Majesty’s orders,
 ‘ without putting us to the trouble of presenting any
 ‘ such address as is now moved for ; there is there-
 ‘ fore no necessity for entering this day upon the me-
 ‘ rits of this question ; the gentleman may renew his
 ‘ motion when he thinks proper, and then I do not
 ‘ doubt but other gentlemen will debate the reasona-
 ‘ bleness of it, and as it appears to the house, it
 ‘ will certainly be agreed to or rejected ; but as I
 ‘ do not think this a proper time for debating it,
 ‘ I must insist upon my motion.’

Walter

Walter Plummer, Esq; ‘ Sir, as we shall proba-
 bly come on *Monday* next to some resolutions, with
 respect to our seamen, I should think it necessary
 for this house to know what demands have been
 made upon us by our allies, before we come to
 any resolution on that head; otherwise we may
 leave room for those extraordinary messages and
 demands towards the end of a session, which this
 nation has of late been too much accustomed with.
 The gentleman who moved the previous question,
 says, that this is not a proper time for entering
 upon the merits of the motion now made to us,
 because if any such application had been made by
 any of our allies, and his Majesty had resolved to
 grant what was asked, he would have ordered this
 to be laid before us, together with the other esti-
 mates and demands of the current service of the
 ensuing year. Is not this, Sir, directly to tell us,
 that after his Majesty is come to a determination
 what part to act, he will be graciously pleased to
 take the Advice of Parliament. It is true, Sir, his
 Majesty has by his prerogative the power of ma-
 king peace or war: But, Sir, in a matter of so
 great consequence, it has always appeared to be the
 interest, nay, I may say, it has always been thought
 to be the duty of the Kings of *England*, to take
 the advice of their people in Parliament assembled,
 and not to trust intirely to the advice of their mi-
 nisters; and if any such demand, as is mentioned
 in the motion now before us, has been made by
 any of his Majesty’s allies, I cannot think that it
 would be any way derogatory to the prerogative
 of the crown, or to the wisdom of the ministers,
 to lay it before the Parliament, whether it ought
 to be complied with or not.

Mr. Plum-
mer’s speech.

John Cockburn, Knight of the shire for Haddington
 in *Scotland*. ‘ Sir, I was against the first motion,
 because some gentlemen had assured the house, and
 I was

Mr. Cock-
burn’s
speech.

‘ I was myself a little afraid, that at present it might
 ‘ tend to increase the confusions and troubles that are
 ‘ now in *Europe* ; but the present motion I take to
 ‘ be of a very different nature, I am sure that, should
 ‘ it be complied with, no secrets can thereby be dis-
 ‘ covered, nor can it possibly tend to increase the pre-
 ‘ sent troubles of *Europe*.

‘ I am old enough, Sir, to remember the begin-
 ‘ ning of the first great war against *France*, and I re-
 ‘ member, that as soon as the *Dutch* applied to us for
 ‘ our assistance, King *William* immediately laid the
 ‘ case before the Parliament, and took their advice,
 ‘ as to what was proper to be done upon that emer-
 ‘ gency, before he came to any resolution : Upon
 ‘ the breaking out of the second war, the late Queen
 ‘ did the same, and I must say, that I think every
 ‘ King of this nation ought to follow that example ;
 ‘ if they expect the assistance of Parliament, they
 ‘ ought to take the advice of Parliament ; and our
 ‘ histories will inform us, that where they have done
 ‘ so, they have generally done well, and where they
 ‘ have done otherwise, they have had but little suc-
 ‘ cess ; for which reason I am for agreeing with the
 ‘ motion now made to us.’

The question was then put upon the previous ques-
 tion, *viz.* Whether the question upon the motion
 should be then put, which was carried in the nega-
 tive, without a division.

Number of
 seamen a-
 greed to.

On *Monday* the 28th of *January*, the house, (ac-
 cording to order) resolved itself into a committee of
 the whole house, on the supply granted to his Ma-
 jesty ; and came to the following resolutions, *viz.*
 That 20,000 men should be employed for the sea-
 service for the year 1734, beginning the first day of
January 1733. and that a sum not exceeding four
 pounds *per month* should be allowed for maintaining
 the

the said 20,000 men for 13 months, including the ordnance for sea.

These resolutions were reported next day to the house, and were agreed to, as they had been in the committee, without any debate or division; only some gentlemen said, that the number was certainly either too large or too small; for if we were not to engage in the war, they said, there was no occasion for keeping such a number of seamen in pay; and if we were actually to engage in the war, they thought double the number would scarcely be sufficient: To which it was answered, that though we were not to engage in the war, yet, as some of our neighbours were fitting out large squadrons, and making great military preparations, almost at our very door, it was absolutely necessary to put the nation in a better state of defence, than during the time of a profound peace; and as our fleet was the chief bulwark of this nation, it was most proper to apply the greatest part of our expence that way, and to have a strong squadron ready to put to sea upon any occasion.

On *Monday* the 4th of *February*, a petition of the druggists, grocers, china-men, and others dealing in tea, was presented to the house and read; alledging, that by an act passed in the 10th year of King *George* the First, the petitioners were induced to hope, that the duty arising from tea would be better secured to his Majesty, and the interest of the fair trader better supported, but have fatally experienced the contrary effects; the clandestine importation of tea being greatly increased, to the damage of the public revenue, and ruin of the fair trader, occasioned by the great difference of the value of that commodity at this and foreign markets, whereby the smugglers are enabled to purchase it abroad for less than half the duty paid here; that the regulations

Druggists
petition pre-
sented.

lations which the petitioners are laid under, are most burdensome and grievous, their houses being liable to be entered by persons unknown to them, and their properties subjected to the judicial determination of commissioners: That the petitioners are liable to severe penalties for errors and omissions absolutely unavoidable, and restrained from disposing of their goods, after having paid duty for the same, without permits from the officers of the inland duties, expressing the names and places of abode of the respective buyers and sellers, exposing thereby the extent and circumstances of their trade; whereby the petitioners conceived they were in a worse condition than any other of his Majesty's subjects, and therefore praying the house to take the premises into consideration, and give them such relief as to the house should seem meet.

Sir John
Barnard's
speech.

This petition was presented by Sir *John Barnard*, who, after he had brought it up, and the same was read at the table, stood up, and spoke to the following effect. ' Sir, as the petition I have now had the honour to present to you, is the same with that which was presented to this house last session, I need not take up much of your time in opening it to the house. The petitioners apprehend that they labour under very great grievances by their being subject to the laws of excise; and as this house in the very last session of Parliament, thought it unreasonable to subject some other sorts of traders and dealers to those oppressive laws, the petitioners think they have reason from thence to conclude, that this house will be ready to relieve them from those burdens, which in last session we thought unreasonable to impose upon others.

' When this petition was presented last year, the chief objection made to it was, that it was signed only by a few, and those not the most considerable dealers in that commodity; but as to the petition
' now

now presented, this objection is intirely removed, for I believe, there is not one dealer in that commodity, I am sure there is not a considerable dealer within the city of *London*, who has not joined in, and signed this petition.

The great frands committed in the running of tea, which are daily increasing, are now become a very great and general grievance, not only with respect to the public, but with respect to the fair trader : It is impossible for a man, who honestly and fairly pays the heavy duties upon the commodity he deals in, to sell so cheap as the smuggler may do, and therefore, if some stop is not speedily put to the infamous practice of smuggling, we may expect, that in a few years, the whole trade of the kingdom, in so far as relates to our home consumption of that commodity, will be got into the hands of smugglers only, and the retailers who buy from them. It was expected, that the alteration made some years ago in the method of collecting those duties, would have prevented this infamous practice : When that project was first set on foot, I remember, some people were mighty fond of it ; they assured us, that it would intirely put an end to smuggling ; but experience has taught us the contrary, for since that alteration, the trade of smuggling has been much more general than ever it was before ; so that we have subjected a great number of our fellow subjects to infinite hardships and oppressions, without gaining thereby any benefit or advantage to the public.

As this practice of smuggling, which has of late so much increased, must be likewise a considerable detriment to the public revenue, the petitioners have this other view, that upon their application to this house, they hope we shall take the affair again under our consideration, and endeavour to contrive some methods for preventing this infamous practice for the future : If then the relief of
a great

‘ a great number of our fellow-subjects from grie-
 ‘ vances they justly complain of, if the encourage-
 ‘ ment of the fair trader, if the increasing of the
 ‘ public revenue, are considerations which ought to
 ‘ weigh with a *British* Parliament, I am sure the
 ‘ case now before us, in which all the three are join-
 ‘ ed, deserves the utmost regard of this house, and
 ‘ therefore, I cannot doubt of the petition’s being
 ‘ referred to a committee, and when we go into that
 ‘ committee, I do not doubt, but that several gentle-
 ‘ men will offer their opinions, and propose expe-
 ‘ dients for the relief of the petitioners, as well as
 ‘ for the advantage of the revenue ; but as these
 ‘ things cannot properly come now under our con-
 ‘ sideration, I shall not give the house any farther
 ‘ trouble at present, but only to move, that the peti-
 ‘ tion may be referred to the consideration of a
 ‘ committee of the whole house.’

Alderman
Perry se-
 conds the
 motion.

Alderman *Perry*. ‘ As my honourable friend, Sir,
 has fully opened the nature of the petition, and
 ‘ as it is a matter of such consequence, that I make
 ‘ no doubt of his motion’s being complied with, I
 ‘ think there is nothing incumbent upon me at pre-
 ‘ sent more than to second the motion he has made.

Upon this there arose a debate, in which the fol-
 lowing gentlemen spoke as follows, *viz.*

Mr. *Win-*
nington’s
 speech.

Thomas Winnington, Esq; ‘ I can by no means,
 ‘ Sir, agree with the two honourable gentlemen
 ‘ over the way, in the motion they have now made
 ‘ you. I will, indeed, agree with them, that the
 ‘ relieving of any number of our fellow-subjects
 ‘ from grievances they justly complain of, the en-
 ‘ couraging of the fair trader, and the increasing the
 ‘ public revenue, are matters of a very great con-
 ‘ cern, and always deserve the utmost attention of
 ‘ this house, when they are regularly and properly
 ‘ brought

brought before us ; but I cannot think that this petition can properly bring either of them before us, nor can I think, that it is now a proper time to go into a committee upon this or any such petition. There is nothing that can be proposed in consequence of this petition, but what may diminish the public revenue, and as we are in a manner now just upon the brink of a war, I think it would be very unwise in us, to do any thing that may possibly diminish that revenue, for which we may soon have so great an occasion.

As to the infamous practice of smuggling, and the frauds that are committed in that branch of the public revenue, which the petition relates to, I believe every gentleman would be willing to do something to prevent it, if possible ; but the method, which seems to be proposed by this petition, appears really to me in a very strange light : It has been found, they say, that the laws of excise joined with the laws of the customs, have not been effectual for preventing all those frauds, and therefore gentlemen propose, that we should take off one of these checks, and indeed that which must be acknowledged to be the most effectual of the two, in order to prevent running for the future. I am sure, Sir, I need not say any thing to convince gentlemen, that this proposition cannot be supposed to tend to the encouragement of the fair trader, or to the increase of the public revenue ; and as to the petitioners, if they are all fair traders, they must acknowledge, that it would be so far from giving them any relief, that it would intirely ruin them.

I should be glad, Sir, to hear any thing proposed for the benefit of the fair trader, or the security of the public revenue, but for us to go into a committee upon that subject, when no gentleman of this house can say, that there is any particular method or scheme to be proposed, would be taking up the time of the house to no purpose. Besides,

‘ Sir, if there were really any methods or schemes
 ‘ to be proposed to us, for putting an end to fraud
 ‘ and smuggling, it is not now a proper time for us
 ‘ to enter into the consideration of them : As it is
 ‘ now the last session of a Parliament, and consider-
 ‘ ing the present posture of the affairs of *Europe*, it
 ‘ must be presumed, that the short time we have to
 ‘ sit, will be taken up in matters of very great
 ‘ weight, and which require a more immediate con-
 ‘ sideration. There cannot be any great inconve-
 ‘ nience in putting off this affair to another session,
 ‘ and therefore, I must be against the motion now
 ‘ made, and shall move that the petition may be
 ‘ ordered to lie upon the table.’

Mr. Alder-
 man Perry's
 speech.

Alderman *Perry*. ‘ When this motion was made,
 ‘ Sir, by my honourable and worthy friend, I did
 ‘ not apprehend that it would have met with any
 ‘ opposition, and therefore, I gave the house no other
 ‘ trouble, than just to second the motion ; but
 ‘ now that I find the honourable gentleman who
 ‘ spoke last opposes the motion, I hope I shall be
 ‘ indulged to offer a few words in support of the
 ‘ motion I have seconded. It has always been my
 ‘ opinion, Sir, that while we sit here, no time can
 ‘ be improper for our taking into our considera-
 ‘ tion, a petition signed by such a number of con-
 ‘ siderable traders, complaining of grievances which
 ‘ they apprehend themselves under : The hearing of
 ‘ complaints from the subjects, and the redressing of
 ‘ those grievances, which any of them labour under,
 ‘ I have always understood, to be a chief part of the
 ‘ business of Parliament ; and am sorry to hear it
 ‘ said in this house, that any time is improper for
 ‘ such a consideration, especially when it is not so
 ‘ much as pretended, that the complaints are frivo-
 ‘ lous, or that the petitioners are inconsiderable.

‘ The honourable gentleman spoke of our being
 ‘ on the brink of a war, and therefore thought it un-

‘ wise for us to attempt to do any thing at such a
‘ juncture, that might possibly lessen the public re-
‘ venue: I believe there is no gentleman in this
‘ house means to lessen the public revenues; the
‘ very end of the motion now made to us is, to en-
‘ deavour to do something, that may increase the
‘ public revenue, by preventing those frauds by
‘ which it is greatly diminished. The gentleman
‘ allows, that the laws of excise, and the laws of
‘ the customs, when joined together, are ineffectual
‘ for the preventing of the running of tea, but thinks
‘ it strange, that the taking off of one of those checks
‘ should be proposed, as a method for the preventing
‘ of running for the future; and it would be so, if
‘ this were the only method to be proposed; but
‘ there may be some method proposed, if we go in-
‘ to a committee upon this affair, which will render
‘ the laws of the customs singly, more effectual a-
‘ gainst smuggling, than both the laws of excise and
‘ customs have been found to be; and, in such case,
‘ it will not appear strange, to give a relief to many
‘ of our distressed countrymen, by freeing them from
‘ the oppressive laws of excise.

‘ If gentlemen will but examine this affair a little,
‘ they will find, that by adding the laws of excise
‘ to the laws of the customs, they have neither given
‘ a check to smuggling, nor have they increased the
‘ public revenue, in the same proportion as the con-
‘ sumption of that commodity has increased of late
‘ years within this kingdom. In the year 1716, the
‘ duty upon coffee and tea amounted to but sixty
‘ odd thousand pounds; from 1716 to 1724, that
‘ duty continued subject only to the laws of the cus-
‘ toms, and yet so greatly did our consumption in-
‘ crease within that time, that in the year 1723, the
‘ duty amounted to 112,000 l. which is near double
‘ the Sum, in that seven years which preceded the
‘ alteration; which can be attributed only to the in-
‘ crease of the consumption, for it cannot be said,

‘ that the custom-house officers were more exact and
‘ diligent, or the smugglers less skilled in the arts
‘ of deceit in that year, than they had been in any
‘ of the former.

‘ In the year 1724, the famous alteration now
‘ complained of was made; we cannot suppose that
‘ the consumption has since decreased; on the con-
‘ trary, as tea has been sold cheaper since that time
‘ than ever it was before, we must suppose, that the
‘ consumption has greatly increased; and as by this
‘ alteration the unfair dealers and traders were in-
‘ tirely put out of all their old arts of smuggling, or,
‘ at least, of disposing of their run goods, we must
‘ suppose the duty increased, and accordingly it did
‘ so, always till the year 1729; when it amounted
‘ to about 162,000 *l.* But by that time the smugglers
‘ began to learn new arts of deceit, and to contrive
‘ new ways of defrauding the public, so that since
‘ the year 1729, the duty has been daily decreasing,
‘ and is now reduced to less than 120,000 *l. per ann.*
‘ From hence it must appear, that the public has
‘ not gained much by the alteration of the method
‘ of collection, which lies so heavy upon all the
‘ dealers in that commodity.

‘ It is certain, Sir, that this decrease in the public
‘ revenue, which has happened since the year 1729,
‘ cannot be owing to any decrease in the consump-
‘ tion of that commodity; for it is, of late years,
‘ sold so cheap, that the very meanest of the people
‘ make use of it, which I know by my own expe-
‘ rience to be true; because, but lately, a poor wo-
‘ man of that part of the city where I live, for whom
‘ I had some time before procured twelve-pence *per*
‘ week charity, acknowledged to me, that she had
‘ tea every morning for her breakfast, and said, that
‘ except water, it was the cheapest drink she could
‘ get; and therefore, as the consumption must be
‘ much larger, and the produce of the duty very
‘ little superior now to what it was in the year 1723,

‘ we

‘ we must conclude, that the alteration now complained of, has rather increased than diminished smuggling.

‘ The honourable gentleman should not have said, Sir, that it was proposed to lessen the public revenue, or that it was proposed to take off any of those checks which have been laid upon smuggling; there has not been any thing proposed, nor is it proper there should, until we go into the committee moved for, which I have reason to believe the house will agree to, because I have not yet heard any one argument offered against it, but only that of its not being now a proper time, which indeed has been almost the only argument made use of against most things that have been proposed this session, and I really believe we are to hear no other from that quarter; but I must think, that it is a very unfair way of treating any proposition or motion, that is made by any gentleman of this house, and however far such arguments may prevail in this house, I am sure they will give but very little satisfaction to those without doors.

Sir *William Yonge*. ‘ Sir, notwithstanding what the honourable gentleman who made the motion, and the honourable gentleman who spoke last, have urged in support of their motion, I must agree with my honourable friend on the floor, that the present is not at all a proper time, nor, indeed, are we any way prepared for going into a committee upon the petition now before us. I am surprised, Sir, to hear it pretended, that no argument has been offered against the motion, but that of its not being a proper time: Have they not been told, is it not well known to every gentleman of the house, that this is the last session of a Parliament, which must always be pretty much hurried, and therefore, it is not proper to bring before us an affair of such a complicated nature, and which will

Sir William Yonge's speech.

‘ require so much time to search thoroughly to the
‘ bottom of the wound, before we can so much as
‘ pretend to apply, or even to find out a proper re-
‘ medy.

‘ Besides, Sir, have they not been told, and does
‘ not every man know, that the present posture of
‘ affairs in *Europe* may probably bring matters of
‘ much greater importance before us, matters of the
‘ highest consequence to the whole nation, and mat-
‘ ters which will require the immediate consideration
‘ of Parliament? Shall we then take up the short
‘ time we have to sit, in the examination of affairs
‘ relating to one small branch of the revenue, the
‘ delaying of which until another session, can be of
‘ no signal disadvantage to the nation in general,
‘ or even to any private man? And I shall add, that
‘ we ought to be the more cautious of entering into
‘ the examination of this petition, because it may
‘ bring before us a great many such; there are seve-
‘ ral sorts of other commodities subject to the laws
‘ of excise, and if we once enter upon giving relief
‘ to the petitioners, we may expect petitions from
‘ the dealers in all those other commodities subject
‘ to the same laws.

‘ The gentleman who spoke last, has, I find, been
‘ at the pains to consider the amount of the duty up-
‘ on tea for seven years before, and seven years after
‘ the alteration was made in the method of collect-
‘ ing that duty, and I will agree with him, that in
‘ this last year the produce of that duty amounted
‘ to no more than 120,000*l*. But I must take no-
‘ tice, that his method of comparing the one with the
‘ other is neither fair nor just: He has, out of the
‘ time before that alteration was made, picked out
‘ the year when the produce of that duty amount-
‘ ed to the highest sum that it ever did before
‘ the alteration was made; and out of the time,
‘ since the alteration was made, he has picked out
‘ that year when the produce of that duty was the
‘ lowest

‘ lowest that it has been in any year since, in order
‘ to make a comparifon, and from thence to draw
‘ his conclufion, that the public revenue has not been
‘ much increafed by the alteration that was made in
‘ the year 1724, as to the method of collecting that
‘ duty.

‘ Now, Sir, I appeal to every gentleman that
‘ hears me, if the fair way of ftating this matter is
‘ not, to compute the amount of the duty for feven
‘ years before, in order to fix a medium for that
‘ feven years; and next to compute the amount for
‘ feven years after, in order to fix a medium for that
‘ time, and then to compare the two mediums to-
‘ gether. This, Sir, is certainly the fair way of
‘ making a computation, and according to this me-
‘ thod it will be found, that the public revenue has
‘ been increafed above 34,000 *l. per annum*. Besides
‘ this, the gentleman forgot to mention feizures,
‘ which in this cafe ought to be taken notice of, and
‘ added to the yearly increafe, and by them it will
‘ be found, that there is an addition of 20,000 *l. a*
‘ year more made to the public revenue; which in
‘ the whole amounts to 54,000 *l. a year*, an increafe
‘ which I believe no gentleman in this houfe will
‘ think inconfiderable, nor ought they, I think, to
‘ go rafhly into the changing of that method of col-
‘ lection by which this increafe has been made, efpe-
‘ cially when we are at leaft in danger of being up-
‘ on the brink of a war, as has been hinted by my
‘ honourable friend upon the floor.

‘ I will allow, Sir, that the practice of running of
‘ tea is a very great fraud upon the public, and an
‘ injury to the fair trader, and I will likewise al-
‘ low, that it has come to a very great height of
‘ late, but the manner of carrying it on now is very
‘ different from what it was formerly. The fmug-
‘ glers now travel in bodies of 30 or 40 men together,
‘ all well armed and provided for a desperate de-
‘ fence; they carry their goods from houfe to houfe,

‘ and actually murder and destroy the King’s officers, wherever they can meet with them unsupported by regular troops : This is now their method of running their goods, and disposing of them after they are run ; this, as will, I believe, be acknowledged, must be much more dangerous and expensive to them, than the clandestine way they were in formerly ; this method they have been reduced to by the laws of excise, and yet gentlemen desire to have that check removed, which has laid them under so great difficulties.

‘ Gentlemen, Sir, complain, that arguments are not offered against what they propose, or at least none but such as are general, but, I think, it has always been the custom, when any thing new is offered to this house, for those who are for it, to give their reasons for what they propose, and if those reasons cannot be sufficiently answered, or stronger reasons brought against it, the house then agrees with the motion. Now I wish those gentlemen would give us some particular argument in support of what they propose, I wish they would agree upon some particular facts, and argue from those facts, and then the gentlemen who seem to be of a contrary opinion would be able to debate the question fairly with them ; but since they have not been able to agree upon any facts, or to give us any particular reasons for referring this petition to a committee, I must conclude, that even they themselves are not prepared for taking it into consideration, and therefore I hope it will be ordered to lye upon the table.

Mr. Sandys’s
speech.

Samuel Sandys, Esq; ‘ Sir, the honourable gentleman who spoke last, desired that we might agree on particular facts, and argue from those facts. This, Sir, would be a proper and a reasonable demand, if we were now in a committee upon the petition ; but as the only
‘ question

question now before us is, whether or no we shall go into a committee, I cannot think, that it is either proper or reasonable: It is, I think, acknowledged, that the practice of smuggling is come to a very great height, and I believe it will not be denied, but that all those who are subject to the laws of excise, are under a great many inconveniencies which their fellow subjects, not liable to such laws, are free from: This alone, in my opinion, ought to be a sufficient inducement for us to go into a committee; for, in most cases, petitioners, who complain of grievances, are to prove the facts they alledge, before the committee, and petitions are generally referred to committees, upon suggestions only of grievances which ought to be redressed; but the case now before us is much stronger, the facts alledged by the petitioners are allowed to be true, the grievances complained of are allowed to be such as ought to be redressed, and yet some gentlemen are, I find, against so much as taking their petition into consideration: If this be treating our fellow-subjects as they ought to be, as I hope they always will be treated by this house, I leave to the whole world to judge.

But, Sir, upon the presenting of a petition, and upon a debate, whether that petition ought to be referred to a committee, to desire gentlemen to agree upon particular facts, especially when the facts must all be such as cannot be known to any but those in the administration, or those who are immediately concerned in the management of the public revenue, is really most unreasonable: It is desiring gentlemen to agree upon facts which it is impossible for them to know, till they can, in a proper way, have an opportunity to inquire into them. If the house shall agree, which I hope it will, to go into a committee upon this petition, I do not doubt but such papers will be called for, as will put us upon an equal footing with those gentlemen who have

‘ have the advantage of being concerned in the ad-
‘ ministration, and in the management of the pub-
‘ lic revenue; and then I make no doubt of being
‘ able to comply with the gentleman’s desire; I am
‘ persuaded, we shall then be able to fix upon such
‘ facts as will make it appear to this house, that not
‘ only the petitioners ought to be relieved, but that
‘ something must be done, some new method must
‘ be contrived, for putting an end to the infamous
‘ practice of smuggling; so that our not being able
‘ at present to fix upon any particular facts, is so
‘ far from being a reason against, that it is a strong
‘ reason for our referring this petition to the con-
‘ sideration of a committee.

‘ The petitioners, Sir, have very just grounds to
‘ hope, that this house will take off of them those
‘ shackles which we most justly refused to put upon
‘ the dealers in wine and tobacco: They have as
‘ good a title to all the liberties and privileges of
‘ *Englishmen* as any other subjects, and I can see no
‘ reason for distinguishing them from the rest of
‘ their countrymen. In the present case gentlemen
‘ need not be afraid of making a precedent, and lay-
‘ ing a foundation for a great many petitions; there
‘ are no dealers in *England* followed by the laws of
‘ excise, as the dealers in tea are, except only the
‘ dealers in brandy; and therefore, the giving ear
‘ to the heavy and the just complaints of the peti-
‘ tioners, can lay no foundation for a multitude of
‘ petitions being brought in upon us from the deal-
‘ ers in other commodities subjected to the laws of
‘ excise; for though there are other commodities
‘ subject to the laws of excise, yet those laws go no
‘ farther than the first manufacturer, they do not
‘ follow the commodity through all the corners of
‘ the kingdom, and into the little shops and cellars
‘ of every petty retailer.

‘ Gentlemen tell us, that we are to have matters
 ‘ of much greater weight before us, which require a
 ‘ more immediate consideration, and which will
 ‘ take up the whole of that short time we have to
 ‘ be together. Sir, I know nothing of greater
 ‘ weight than that of effectually securing the public
 ‘ revenue, encouraging the fair trader, and relieving
 ‘ our fellow-subjects from the grievances they labour
 ‘ under, and I wish the gentlemen would rise up
 ‘ and inform the house what it is, that they think a
 ‘ matter of much greater weight. I am sure, if we
 ‘ are upon the brink of a war, or in any danger of
 ‘ being upon the brink of a war, it renders it much
 ‘ the more necessary for us to take the petition into
 ‘ our consideration : As the war can be supported
 ‘ only by the public revenue, if we are in any such
 ‘ danger, it is the more incumbent upon us, to take
 ‘ all possible methods to secure and increase that
 ‘ revenue; and as in time of war the fair trader la-
 ‘ bours under many discouragements abroad, it will
 ‘ become the more necessary to take care that he
 ‘ shall labour under as few as possible at home ;
 ‘ and I am sure, if we are threatened with a war, it
 ‘ is the business of this house, it is the business of
 ‘ every man who wishes well to the present esta-
 ‘ blishment, to be more diligent than usual in con-
 ‘ ciliating the minds of the people to his Majesty’s
 ‘ government, which can only be done by remo-
 ‘ ving their grievances as soon as we hear them :
 ‘ Thus, Sir, every argument that has been offered
 ‘ against going into a committee, when duly confi-
 ‘ dered, appears to be a strong argument in favour
 ‘ of the motion, and therefore, unless some more
 ‘ weighty arguments be offered, I am persuaded the
 ‘ house will not reject it.

Philip Gybbon, Esq; ‘ I stand up, Sir, to agree Mr. Gybbon’s
speech.
 ‘ with my worthy friend, in the motion he has made
 ‘ for referring this petition to a committee of the
 ‘ whole

‘ whole house, and as I have not yet heard any one
‘ argument against it, I shall not take up much of
‘ your time. I have indeed heard gentlemen argue
‘ against what they imagine may be proposed when
‘ we go into a committee upon this petition, which
‘ really to me seems to be a very preposterous way
‘ of arguing; they first form to themselves hideous
‘ notions of what is to be proposed in that commit-
‘ tee, and from thence they resolve to be against go-
‘ ing into any such committee. I would be as un-
‘ willing, Sir, as any gentleman in this house, to do
‘ any thing at the present juncture for lessening the
‘ public revenue, and I am far from believing, that
‘ any such thing is intended to be proposed; but if
‘ I really thought, that some such thing was to be
‘ proposed, though, according to my present senti-
‘ ments, I should be very much against any such
‘ proposition, yet I should be willing to hear what
‘ gentlemen had to say upon that head, and there-
‘ fore would not be against giving them an oppor-
‘ tunity, especially in a case which every man al-
‘ lowed to be such as stood very much in need of
‘ redress.

‘ I am of opinion, Sir, that those gentlemen who
‘ seem to shew so very great a concern for the reve-
‘ nue, need not be so much afraid that the giving a
‘ proper relief to the petitioners would diminish the
‘ public revenue; for I believe when proper papers
‘ and accounts are called for, and the matter fairly
‘ and fully examined, it will appear, that the reve-
‘ nue has been no great gainer by the alteration
‘ some time ago made in the method of collecting
‘ the duty upon tea; I believe it will then appear,
‘ that the increase of the publick revenue has not near
‘ kept pace with the increase of the consumption;
‘ so that if those gentlemen have really nothing else
‘ to fear, but a decrease of the public revenue, they
‘ need make no difficulty in restoring the peti-
‘ tioners

‘ tioners to those privileges which no *Englishman*
 ‘ ought to be de vested of, without some very abso-
 ‘ lute and apparent necessity for so doing.

‘ Gentlemen say, the session is to be but short,
 ‘ and therefore we have not time to enter into the
 ‘ consideration of this affair; upon which I must
 ‘ say, Sir, that those who talk so, seem to have for-
 ‘ got one of the chief ends of our meeting in this
 ‘ place; it is, or it ought to be known to every gen-
 ‘ tleman in this house, that two of the chief ends of
 ‘ our meeting here are, to redress grievances, and
 ‘ to grant such supplies to his Majesty as appear to
 ‘ us to be necessary for the support of his govern-
 ‘ ment; and the usage of Parliament anciently was,
 ‘ to grant no supplies till all grievances were first re-
 ‘ dressed; but the method seems now to be intirely
 ‘ altered; gentlemen find time enough to load the
 ‘ nation with many and heavy taxes, but can spare
 ‘ no time, it seems, to relieve the people from any
 ‘ burden or grievance they justly complain of. They
 ‘ who talk so, must certainly have much more assu-
 ‘ rance than I am master of: I wonder how, after
 ‘ such a declaration, they can, with confidence, look
 ‘ their constituents in the face, far less expect, that
 ‘ they should again do them the honour to send
 ‘ them hither. Those gentlemen really talk of this
 ‘ house, as if they looked on it only as a register for
 ‘ taxes, and as if we had nothing to do here but
 ‘ to grant to the crown what sums of money the
 ‘ ministers shall please to call for; I hope, Sir, we
 ‘ are not yet come to such a low pass: I have still
 ‘ a better opinion of this house than to believe, that
 ‘ you will reject a motion so reasonable and so ne-
 ‘ cessary.’

Walter Plummer, Esq; ‘ Sir, I am so sensible of Mr. Plum-
 ‘ the grievances the petitioners labour under, and mer's speech,
 ‘ of the necessity of doing something to put a stop
 ‘ to that growing evil of smuggling, that I have
 ‘ been

‘ been in expectation of this petition ever since the
‘ session began. The time I spent in the country,
‘ during the last recess of Parliament, happened to
‘ be in a county where I had occasion to see a great
‘ deal of that infamous practice ; so that if there
‘ was no other motive for going into the committee
‘ proposed, than that of endeavouring to do some-
‘ thing to prevent smuggling, that alone with me
‘ would be a prevailing motive ; and for that reason
‘ I am surpris’d to see the motion oppos’d by any
‘ gentleman, but much more to see it oppos’d by
‘ those gentlemen, who must know much more
‘ than I do of the great increase and the fatal effects
‘ of this infamous practice.

‘ Sir, in that county where I was, the smugglers
‘ went about in such formidable bodies, that if some-
‘ thing is not done to put a stop to it, they may
‘ soon threaten danger even to our civil govern-
‘ ment : I have often met them in gangs of forty or
‘ fifty together, and all so well mounted, that even
‘ the dragoons could not come up with them ; and
‘ they give such excessive wages to the men that will
‘ engage with them, that the landed interest in that
‘ part of the country suffers considerably by it : The
‘ common price of a day’s labour, in that country
‘ where I was, is already got up to 18 *d.* and, even
‘ at that price, it is with great difficulty that the far-
‘ mers can find labourers to till and manage their
‘ grounds ; and how can it be otherwise ? For all
‘ the young clever fellows of the county are enga-
‘ ged and employed by the smugglers ; from them
‘ they have half a crown a day, while they wait up-
‘ on the sea-coast for the landing of the goods ; and
‘ as soon as the goods are landed, and they mount
‘ on horse-back, to go about the country to dispose
‘ of them, they have a guinea a day, and are well
‘ entertained during the whole time of their at-
‘ tendance : Thus they find a much easier, and
‘ more profitable employment than any they can
‘ have

‘ have from the farmer ; and while they are thus
‘ employed, all improvements of land must remain
‘ in suspense.

‘ Gentlemen may talk of the great check that has
‘ been put upon smuggling, by the joining of the
‘ laws of excise to the laws of the customs, but they
‘ must allow, that project from which so much be-
‘ nefit was expected, has proved altogether ineffec-
‘ tual, and I am afraid that all other methods will
‘ prove ineffectual, as long as the duty is so high,
‘ and so much advantage to be got by running. In
‘ that part of the country where I was, tea is gene-
‘ rally sold by retailers, in their shops, at 5 s. a
‘ pound, and as we must suppose the importer to
‘ have a profit upon importation, and as the duty
‘ amounts to about 4 s. and 9 d. a pound, I leave
‘ gentlemen to judge, whether it is possible to sell
‘ by retail at 5 s. a pound, any tea upon which the
‘ duty has been honestly paid : It is easy to guess
‘ from whence all this tea comes ; the smugglers
‘ buy it in *Holland*, at 2 s. a pound, and from thence
‘ run it into this country ; the *Dutch* buy it in the
‘ *East-Indies* at 6 d. a pound ; so that this nation pays
‘ the *Dutch* 18 d. a pound for the carriage : This
‘ must be a vast loss to this nation, and must cer-
‘ tainly be so great an advantage to *Holland*, that, I
‘ am sure, if there were now a *Dutch* minister in
‘ our gallery, he would be extremely pleased to see
‘ this motion rejected, and would not fail to ac-
‘ quaint the States General, by the very first post,
‘ how much the interest of *Holland* had, by some
‘ gentlemen in a *British* house of Commons, been
‘ preferred to that of *Great Britain*.

‘ I am amazed, Sir, to find that some gentlemen
‘ do not see how much the revenue suffers by the
‘ practice of smuggling ; and though I do not ex-
‘ pect that they should take any great care of the
‘ subject, yet I hope they will take some care of the
‘ public revenue, since they have the fingering and
‘ the

‘ the managing of it. Upon the whole, I must say,
 ‘ that if we have any regard for the subjects in ge-
 ‘ neral, if we have any regard for the trade of this
 ‘ nation, if we have any regard for the public reve-
 ‘ nue, if we have any regard for the landed interest,
 ‘ particularly the tillage, we certainly must agree
 ‘ to go into this committee; I am sure nothing more
 ‘ worthy of our consideration can possibly come be-
 ‘ fore us, and therefore I shall be most heartily for
 ‘ the question.’

Mr. Pel-
 ham's
 speech.

Henry Pelham, Esq; ‘ Sir, I cannot say, with
 ‘ the gentleman who spoke last, that I have been in
 ‘ daily expectation of the petition now presented to
 ‘ us; on the contrary, I was in hopes, that as the
 ‘ sense of this house had been taken upon it last ses-
 ‘ sion of Parliament, the petitioners would have cho-
 ‘ sen a more proper time for renewing their request
 ‘ than I take the present to be; for, not to say that
 ‘ we are upon the immediate brink of a war, nor to
 ‘ flatter gentlemen with any certain hopes of peace,
 ‘ I am sure, I may say, our situation is at present
 ‘ such, that to do any thing which might possibly
 ‘ lessen the public revenue, would be acting other-
 ‘ wise than this house ought to do; and indeed,
 ‘ considering the present situation of the affairs of
 ‘ *Europe*, and how nearly this nation may be affect-
 ‘ ed by the event of the present war, the present-
 ‘ ing of such a petition, at such a critical junc-
 ‘ ture, seems really to me to be done with no other
 ‘ view, but that of reviving those clamours, and
 ‘ renewing those unhappy disturbances which were
 ‘ lately so artfully stirred up over the whole kingdom.

‘ It is impossible, Sir, to talk either for or against
 ‘ committing a petition, without entering some way
 ‘ into the merits of it, and into what may be ex-
 ‘ pected to be done in that committee: In this, if
 ‘ there is any irregularity, the gentlemen who have
 ‘ spoke for referring the petition to a committee,

‘ have been as guilty as those who have spoke against
‘ it ; but, in my opinion, there is nothing more
‘ proper to be considered in the present debate, than
‘ whether or no there can possibly be any thing pro-
‘ posed in that committee, for redressing those griev-
‘ ances which are complained of in the petition ;
‘ for if no present redress can be thought of, if there
‘ can be nothing proposed, it would not be very con-
‘ sistent with the dignity of this house to go into a
‘ committee upon any affair, only to stare at one
‘ another, and then to break up without hearing any
‘ thing proposed, or coming to any one resolution ;
‘ and as yet I have heard nothing mentioned, nor so
‘ much as hinted at, for us to do in that committee,
‘ but what might very probably diminish the public
‘ revenue, which is a risque we ought not to run at
‘ present.

‘ I am very sensible, Sir, of the great enormities
‘ committed by the smugglers, especially in those
‘ counties which are in the neighbourhood of this
‘ city : The open and the outrageous manner in
‘ which they carry on their frauds, is well known, I
‘ believe, to most gentlemen in this house ; but it
‘ is certain, that that method of smuggling is much
‘ more expensive, more difficult and more dange-
‘ rous than the private way they had of carrying on
‘ that practice, before the laws of excise were joined
‘ to the laws of the customs ; and it is likewise well
‘ known, how many seizures have lately been made,
‘ and how many of those smugglers have been quite
‘ ruined and undone ; this must necessarily discour-
‘ age any new undertakers in that way, and will
‘ certainly put an end to the practice at last ; for the
‘ misfortunes of others will at last convince most peo-
‘ ple, that there is nothing to be got by the trade,
‘ and as soon as that opinion comes to be general,
‘ no man will dare to engage in it.

‘ I shall not at present pretend to determine, what
‘ increase has been made to the public revenue, by
‘ subjecting tea, coffee and chocolate, to the laws
‘ of excise ; but it is certain, that branch of the re-
‘ venue has been since that time increased, and I
‘ cannot think but that there was more smuggling
‘ before, than since that alteration was made ; there
‘ were not, indeed, so many seizures made before,
‘ as there have been made since that time, nor was
‘ smuggling formerly carried on in so open or so vi-
‘ olent a manner, so that it has since made a great
‘ deal of more noise, and from thence most people
‘ conclude falsely, I believe, that smuggling has
‘ lately increased.

‘ It is very true, Sir, that most of those things,
‘ which are now under the laws of excise, are not
‘ so much followed after as tea, which indeed makes
‘ a difference, as to the number of persons who are
‘ thereby subjected to the excise laws ; but as to
‘ those who, by their being manufacturers of such
‘ other commodities, are subjected to such laws, they
‘ certainly feel as many inconveniences, and have
‘ as much reason to complain of grievances, as the
‘ dealers in coffee and tea can possibly have, and
‘ therefore they have as good reason to apply to
‘ Parliament for relief : Have not the malsters, the
‘ brewers, the soap-boilers, and a great many others,
‘ as good a title to all the liberties and privileges of
‘ *Englishmen*, as the dealers in coffee and tea, or as
‘ any other subjects, and the reason for distinguishing
‘ both from the rest of their countrymen is, because
‘ the public utility and the nature of their business,
‘ make it absolutely necessary to do so : If we then
‘ take the case of the petitioners into our considera-
‘ tion, can we expect that all the other sorts of tra-
‘ ders, who really are, or imagine themselves to be
‘ in the same circumstances, will not apply to us for
‘ relief ; and will it be consistent with the justice of
‘ Parliament, not to take their cases under our con-
‘ sideration,

‘ fideration, as well as the case of the petitioners :
 ‘ Thus, Sir, shall we open a door for a great deal
 ‘ of more business, than, I believe, any gentleman
 ‘ thinks we will have time to dispatch in this session,
 ‘ or in this Parliament.

‘ In the present case, Sir, gentlemen ought to con-
 ‘ sider, that the duties upon coffee and tea are appro-
 ‘ priated duties ; that part of the revenue, or at least,
 ‘ a great part of it, is appropriated to the payment
 ‘ of our public debts ; and therefore, before we at-
 ‘ tempt any alteration, as to the method of collect-
 ‘ ing it, or any thing that may possibly diminish
 ‘ it, we ought to have the consent of those who are
 ‘ interested therein, and in case of a diminution, we
 ‘ ought to be well assured of means to make it up
 ‘ in another way. I have always had, and shall al-
 ‘ ways have, as great a regard to the interest of the
 ‘ subject, as any member of this house, and I do
 ‘ not doubt, but the honourable gentleman who
 ‘ spoke last has the same ; but I never could think,
 ‘ that the taking care of the subject, and taking care
 ‘ of the public revenue, were distinct considerations,
 ‘ they are certainly the same, and in all our delibe-
 ‘ rations in this house we ought to have a regard to
 ‘ both. I agree, that something may, something
 ‘ ought to be done, for putting an immediate stop
 ‘ to the present practice of smuggling, but I think
 ‘ it more consistent with the wisdom of Parliament,
 ‘ not to enter upon so copious a field, at the very
 ‘ close of a Parliament, and therefore, as one that
 ‘ wishes well to the subject, as a member of this
 ‘ house, and as an honest man, I shall now give my
 ‘ vote for ordering the petition to lie upon the table.’

William Pulteney, Esq; ‘ Sir, I find that all the Mr. Pulteney's speech.
 ‘ gentlemen, who have opposed the motion now in
 ‘ your hand, pretend to be of opinion, that this is
 ‘ not a proper time for going into the committee
 ‘ proposed. This, Sir, was, I remember, the chief
 ‘ argument

‘ argument made use of last session of Parliament,
‘ against taking this petition into our consideration:
‘ Then, indeed, they had another objection; they
‘ pretended, that the petition then presented to us,
‘ was signed but by a few of the dealers in that com-
‘ modity; but this objection being now intirely re-
‘ moved by the gentleman who presented the peti-
‘ tion, they are obliged to have recourse to the other
‘ objection, which they then made use of. In last
‘ session, they told us, this session is near an end,
‘ we have not time now to enter into the considera-
‘ tion of the matters complained of in the petition,
‘ but next session it shall be done: Now we are in
‘ the next session, and in the beginning of the session
‘ too, they cannot tell us the session is near an end,
‘ but they say, this session will be but a short session,
‘ and as it is now so near the close of a Parliament,
‘ we cannot now enter into the consideration of this
‘ affair, but it shall be done next Parliament: What
‘ arrant trifling is this, Sir? Can gentlemen expect,
‘ that this house will be treated in such a manner?
‘ Who is the gentleman can promise, that this will
‘ be done, or what may be done next Parliament?
‘ Can he who fancies himself the greatest man among
‘ us be sure of having a seat in the next Parliament?
‘ Or, if he has, can he be sure that his power and
‘ sway will be the same? But why, Sir, should this
‘ be but a short session? There is no necessity, that
‘ I know of, for putting an end to the session so
‘ soon: If there is, why did they not call us sooner?
‘ Those in the administration have the sole advising
‘ of his Majesty, and it lies wholly in his breast
‘ when to call us together, as well as when to put an
‘ end to the session: Shall our trade then lie exposed
‘ to fraud and smuggling? shall our fellow-subjects
‘ continue to groan under loads of oppression, only
‘ because they are resolved, that this session shall be
‘ but a short one?

‘ The honourable gentleman who spoke last seem-
‘ ed to think, that this petition was presented with a
‘ view only, as he said, to revive the clamours, and
‘ renew the disturbances that were last year without
‘ doors : This, Sir, I am surpris’d at ; shall our op-
‘ pressed countrymen be accused of having a design
‘ to raise disturbances, when they complain to Par-
‘ liament of the grievances they labour under ? Shall
‘ those who sue to us in the most humble manner,
‘ and pray that we would take their case into confi-
‘ deration, and give them some relief if it be possi-
‘ ble ; shall such, I say, be deemed seditious ? No,
‘ Sir, they cannot be so much as suspected of having
‘ any such design ; but if the present motion be re-
‘ jected, if the humble request of the petitioners be
‘ denied, it will, and it ought to revive those cla-
‘ mours, and renew those disturbances, which were
‘ last year most justly raised over the whole king-
‘ dom, by a most wicked scheme which was propo-
‘ sed in this house ; the nation will from thence most
‘ justly conclude, that the scheme then set on foot,
‘ is not yet laid aside ; they will have reason to fear
‘ that an honourable gentleman may perhaps be able
‘ to persuade gentlemen, at the beginning of a seven
‘ years Parliament, to agree to that wicked scheme,
‘ which he could not persuade them to agree to,
‘ immediately before a new election : If our fellow-
‘ subjects were intirely relieved from the oppression
‘ of excise laws, it might not perhaps be so easy to
‘ saddle us with them again, but the gentleman is
‘ resolved to preserve this as a nest-egg, as a foun-
‘ dation to build on, whensoever he has a mind to
‘ take up again his favourite scheme.

‘ Gentlemen seem to be in a fright, as if the public
‘ revenue were to be diminished or taken away, but
‘ I am convinced their fears are groundless ; there
‘ never was, I believe, any such thing intended : All
‘ that is desired by the present motion is, that we
‘ would go into a committee, that we would take

‘ the affair once seriously into our consideration, in
 ‘ order to see, if any thing can be done more effec-
 ‘ tually to secure the public revenue than it is at
 ‘ present, and at the same time to grant some relief
 ‘ to those who petition for it, and have a right to
 ‘ expect it from Parliament : This, Sir, will be an
 ‘ honour to this Parliament it will give us a title to
 ‘ return to our constituents with some confidence ;
 ‘ and I can see no reason why we should leave to
 ‘ any future Parliament, the honour of doing a
 ‘ work which will be of such signal service to their
 ‘ country and to their fellow subjects.

‘ The grievance now complained of was, without
 ‘ doubt, the foundation of that wicked scheme
 ‘ which we had last year before us, and I am con-
 ‘ vinced, that no gentleman who had the honour of
 ‘ opposing that scheme, will agree to the rejecting
 ‘ of the present motion, otherwise the house must be
 ‘ much changed from what it was at the time when
 ‘ an honourable gentleman, on seeing the minority
 ‘ daily increase, and the majority languish and sicken
 ‘ away, was at last, forced, almost with tears in his
 ‘ eyes, to give up his favourite child, the child of
 ‘ whom he seemed to have a most extraordinary opi-
 ‘ nion, when he said, that gentleman who envied him
 ‘ other things, would some day or other envy him
 ‘ the honour of that project ; and I am persuaded,
 ‘ he still entertains the same good opinion of it, and
 ‘ waits only for a proper opportunity to renew it, for
 ‘ which reason he is unwilling that we should go
 ‘ into such a committee as is now proposed, lest in
 ‘ that committee we should sap all the foundations
 ‘ upon which any future projects for a farther exten-
 ‘ sion of the excise laws may be erected.’

Sir Robert
 Walpole's
 speech.

Mr. Chancellor of the *Exchequer*. ‘ Sir, If I
 ‘ were to follow the gentleman who spoke last in all
 ‘ he has said, I must intirely neglect the question now
 ‘ before us ; but of late it has become so fashionable

‘ for gentlemen to run away from the question, and
‘ say every thing their fancies suggest to them, that
‘ it is impossible to give any answer to what they
‘ say, and at the same time to keep to the order of
‘ debate. I cannot comprehend, Sir, how I come
‘ to be any way personally concerned in the present
‘ question, and yet, most of what the gentlemen said,
‘ seemed in a particular manner to be directed at
‘ me, which indeed is a subject I always speak to
‘ with the greatest unwillingness, and a subject I am
‘ sure that is very little worthy the attention of this
‘ house, nor ought the time of the house to be taken
‘ up with any thing relating to it.

‘ As to those clamours which were lately, or have
‘ at any other time been raised without doors, I know
‘ very well, Sir, that great art has been used, all the
‘ means that human industry was capable of have
‘ been employed, to raise clamours against me in all
‘ parts of the kingdom; but it is my happiness, that,
‘ after ten years endeavours for that purpose, no ob-
‘ jection could ever yet be made to my conduct,
‘ except what proceeded from something I had said,
‘ or something I had proposed or moved for in this
‘ house; and I am sure I am not conscious to myself
‘ that I ever proposed any thing in this house, but
‘ what I thought consistent with my duty, as a
‘ member of this house, as a good subject, and as a
‘ servant to the crown; and in such case, gentlemen
‘ may talk of the privileges of Parliament, and of
‘ the freedom of debate, in this house, but if what a
‘ man says is to be misrepresented, and clamours
‘ raised against him without doors, for what he ho-
‘ nestly and fairly proposes, or gives as his opinion
‘ in this house, I must leave to the house to judge,
‘ what their privileges may in time come to.

‘ And, Sir, as to the wicked scheme, as the gen-
‘ tleman was pleased to call it, which, as he would
‘ persuade gentlemen, is not yet laid aside, I, for my

‘ own part, can assure this house, that I am not so
‘ mad as ever again to engage in any thing that
‘ looks like an excise, tho’ in my own private opi-
‘ nion I still think it was a scheme that would have
‘ tended very much to the interest of the nation in
‘ general ; and I am convinced, that all the cla-
‘ mours without doors, and a great part of the op-
‘ position it met with every where, was founded
‘ upon artful falshood and misrepresentation, and
‘ upon insinuations and suggestions, that such things
‘ were intended as had never entered into the
‘ thoughts of any man I am acquainted with.

‘ I will now try, Sir, if I may be excused, to
‘ speak a few words to the question at present before
‘ us, but must first take notice, that I do not remem-
‘ ber any promise made last session of Parliament,
‘ that the petition then presented, and now again be-
‘ fore us, should be taken into consideration in this
‘ session ; nor do I know any person that could
‘ make such a promise, or that can now say, that it
‘ shall be considered of next session ; if the gentle-
‘ man means me, I am sure I never made any such
‘ promise either in last session or in this ; but I be-
‘ lieve any gentleman may say, that the next Parlia-
‘ ment may, if they please, take the affair now be-
‘ fore us into their consideration, and I think it is
‘ an affair of such consequence, that it will be more
‘ proper to enter upon the consideration of it in the
‘ beginning of a new Parliament, than at the very
‘ close of an old one.

‘ It has been pretended, that the alteration made
‘ some years ago, as to the method of collecting the
‘ duties on tea, has not prevented the running of
‘ that commodity, nor increased the public revenue
‘ in proportion to the increase of the consumption ;
‘ and to prove this, gentlemen have been pleased to
‘ make computations, but, as has been before ob-
‘ served, they took a very unfair method in making
‘ their computations. As to the running of tea, the
‘ alteration

‘ alteration made has not indeed intirely prevented
‘ it, but I am very fure, it has made running a great
‘ deal more expenfive and dangerous, and therefore
‘ one may, I think, with a great deal of probability
‘ conclude, that no fuch large quantities of tea have
‘ been run fince that alteration was made, as there
‘ were before that time; or at leaft it may be faid,
‘ that as all forts of teas are now fold much cheaper
‘ abroad than they were formerly, and as our fmug-
‘ glers are become more cunning, and more bold
‘ and desperate, a great deal more of that commo-
‘ dity would have been run in upon us, if that alte-
‘ ration, as to the method of collecting the duty,
‘ had not been feafonably made.

‘ Now, Sir, as to the increafe of the public reve-
‘ nues, if gentlemen will but take that branch of
‘ the revenue at a medium for feven years before,
‘ and at a medium for feven years after the altera-
‘ tion was made, I believe it will be found to have
‘ been a growing revenue from that time till the
‘ year 1729, when indeed it began to decreafe; but
‘ that was not owing to the new arts found out by
‘ the fmugglers, but to the increafe of their profits
‘ by fmuggling; for in that year the *Dutch* had
‘ four fhips at *China*, and the *French* had four more,
‘ by which they imported fo great quantities of tea,
‘ and were obliged to fell it fo cheap, that they not
‘ only fupplied thofe places we formerly ufed to fup-
‘ ply, but great quantities of it were run in upon
‘ us, becaufe the increafe of the difference between
‘ the price of that commodity abroad and the price
‘ here, confiderably increafed the profits to be got
‘ by running, which made the old fmugglers run
‘ greater rifques, and engaged a great many new ad-
‘ venturers in that pernicious trade; and this, Sir,
‘ is the true caufe why that branch of our public re-
‘ venue began then to decreafe; but if the former
‘ method of collecting that duty had been then in
‘ ufe, it would have decreafed much more confidera-
‘ bly;

‘ bly ; nay, I do not know but it might have almost
‘ intirely vanished.

‘ There is, Sir, another mistake which gentle-
‘ men have fallen into ; they have, as to the produce
‘ of this branch of the revenue for last year, forgot
‘ to make any allowances for the large quantities
‘ that are now in the ware-houses of the *East-India*
‘ company, which must all pay duty, before it can
‘ be removed from those ware-houses in order to be
‘ sold for home consumption ; so that to pick out
‘ any one year for determining the amount of that
‘ part of the public revenue, is a very fallacious way
‘ of computing, because it intirely depends upon the
‘ sales which the *East-India* company are pleased to
‘ make, and not upon the quantity that is consumed
‘ within the kingdom for that year ; and yet gentle-
‘ men have been so candid, as to pick out this last
‘ year, when the produce was less than it has been
‘ in any one year since the alteration was made, in
‘ order to compare it with the year immediately
‘ preceding the alteration, when the produce was
‘ higher than it had ever been before ; and for this
‘ plain reason, because, when that alteration began
‘ to be talked of, every body imagined, that it would
‘ inhance the price of tea, and therefore most private
‘ families laid in great stocks of tea, before the al-
‘ teration took place.

‘ When gentlemen talk, Sir, of going into com-
‘ mittees to consider of lowering, or taking the du-
‘ ties off of any commodity, they do not surely re-
‘ flect, that it would be entering into a very large
‘ field, it would be entering into an affair which
‘ would require the most serious and the most mature
‘ consideration ; there are many other duties which
‘ ought to be lowered or taken off, if it were possible ;
‘ and if we were to go into such a committee, I
‘ do not know but it might be thought more reason-
‘ able by many gentlemen, to take off the duty on
‘ soap and candles, than to take off, or even to lower
‘ the

‘ the duty now payable upon coffee and tea ; but
 ‘ these are considerations which I cannot think pro-
 ‘ per to be entered upon in the very last session of a
 ‘ Parliament, and therefore, I must be against the
 ‘ present motion, whatever use may be made of put-
 ‘ ting a negative upon it : The rejecting of it may
 ‘ perhaps be made use of by some gentlemen to raise
 ‘ new clamours, and to increase the number of
 ‘ cockades, with the fine motto of *Liberty, Property,*
 ‘ *and no Excise* ; but whatever hopes may be con-
 ‘ ceived from such low artifices, I entertain no fears
 ‘ about them, nor shall they ever deter me from de-
 ‘ claring my sentiments freely upon any subject that
 ‘ comes before this house.’

Mr. Speaker then stood up, and spoke to order, Mr. Speak-
er's speech.
 ‘ That it was none of his business to appear of either
 ‘ side of the question ; but it was his duty to ac-
 ‘ quaint gentlemen when they were any way disor-
 ‘ derly ; and that there was nothing more irregular,
 ‘ than for gentlemen to be personal in their debates,
 ‘ or to mention any thing that had been said by any
 ‘ gentleman in a former session of Parliament, or
 ‘ even on the day immediately preceding.

Then *William Pulteney*, Esq; stood up again, and Mr. Pulte-
ney again.
 said, ‘ That it was certain, there was nothing more
 ‘ irregular, than for gentlemen to be personal in their
 ‘ debates, or to mention any thing that had been
 ‘ said by any particular gentleman in a former de-
 ‘ bate ; but if he was meant, he could not think he
 ‘ had been guilty of any of these irregularities : He
 ‘ had said nothing but what related some way to the
 ‘ question in hand, or in answer to what had been
 ‘ said by some of the gentlemen who spoke before
 ‘ him. That he had been no way personal, nor
 ‘ had he pretended to mention what had been said
 ‘ in the former session by any particular gentleman.
 ‘ But

‘ But, Sir, (says he) now I am up, I’ll just men-
 ‘ tion one thing, with the indulgence of the house,
 ‘ which the honourable gentleman who spoke last
 ‘ seems to mistake ; he seemed to me to talk as if
 ‘ gentlemen meant to take off the duty on tea : No
 ‘ body, I believe, Sir, has spoke of taking off that
 ‘ duty ; but if the duty be too high, or laid on in a
 ‘ wrong manner, if we do go into a committee on
 ‘ that affair, I doubt not but that something may
 ‘ be proposed, for securing the duty to the public
 ‘ in a more effectual manner than it is at present ;
 ‘ and for levying it in a way which may be more
 ‘ convenient and agreeable to the subject. We
 ‘ may remember, Sir, what was the case of the
 ‘ duty upon pepper ; that duty was found by expe-
 ‘ rience to be too high ; it was lowered, and even
 ‘ by the lowering of it, the revenue came to be a
 ‘ considerable gainer. This may be found to be the
 ‘ case, with respect to tea, but this we cannot judge
 ‘ of till we go into a committee upon it, and have
 ‘ all papers and accounts proper for our instruction
 ‘ before us.’

Sir John
 Barnard's
 speech.

Sir John Barnard. ‘ Sir, the honourable gentle-
 ‘ man over the way has taken up a great deal of
 ‘ your time in endeavouring to prove by argument,
 ‘ the contrary of what is known to be true in fact.
 ‘ He granted, indeed, that the subjecting of tea to
 ‘ the laws of excise, has not intirely prevented the
 ‘ running of that commodity ; but then he said, that
 ‘ if it had not been subjected to the laws of excise,
 ‘ much greater quantities would have been run in
 ‘ upon us than there have been of late years, because
 ‘ of the great difference that there has lately been
 ‘ in the price of tea abroad, and the price of it in
 ‘ this kingdom : Now, Sir, this is a fact which I
 ‘ cannot so easily admit ; I cannot believe there is
 ‘ now, or has lately been, so great a difference be-
 ‘ tween the price of tea in foreign parts, and the
 ‘ price

price it is sold for at our *East-India* sales; for it is certain, that our *East-India* company must, and ought to regulate their price, according to the price it bears in foreign markets: They certainly buy it as cheap in *China* as any other company can do, and it costs them no more to bring it home, therefore they may, and ought to sell as cheap as any other company does, otherwise they cannot pretend to sell any of their tea in a foreign market; and it is to be hoped, they do not make use of their exclusive privilege, so as to lay a tax upon this nation, by making us pay dearer for their tea, than we can purchase it from others: This indeed would give an encouragement to smuggling, but this would be owing intirely to their making a bad use of their exclusive charter, by grasping at a greater profit upon the sale of their tea than they ought to expect: For this reason it is to be presumed, that in the year 1729, when the price of that commodity fell so much abroad, it fell a great deal likewise at our *East-India* sales here, and therefore, that difference which the gentleman built so much on, cannot be the real cause of the decrease of that branch of our revenue since that time; but this is a fact which we ought to inquire into, and this, Sir, is, in my opinion, a strong reason for our going into the committee I have proposed.

'Tis true, Sir, the laws of excise do not in their own nature contribute any thing to the encouragement of running, this is what no gentleman has asserted; but I am convinced, they have contributed nothing to the preventing of running; and I am sure, if it does not appear, that they have contributed very remarkably to the preventing of that infamous practice, we ought not to leave such a number of our fellow-subjects, even for the space of one year, under the burden of such oppressive laws,

‘ laws, otherwise it cannot be said, that we have
‘ that regard to the ease and the happiness of the
‘ people, which a *British* Parliament ought to have,
‘ and which I hope they always will have.

‘ The gentleman found fault with the computa-
‘ tations that have been made, but let him make his
‘ computations what way he will, I believe, it will
‘ be found, that the increase of the public revenue
‘ has bore no proportion to the increase of the con-
‘ sumption; and this last increase, which must be
‘ acknowledged by every man, is a good reason,
‘ why the rule which the gentleman proposes for
‘ discovering, whether the revenue has been a gainer
‘ by subjecting tea and coffee to the laws of excise,
‘ ought not to be observed; for if the consumption
‘ gradually increased for seven years before, and
‘ seven years after the alteration was made, as to the
‘ method of collecting the duty on those commodi-
‘ ties, the medium for the seven years after must
‘ be much higher than the medium for the seven
‘ years before, and yet the increase of the public
‘ revenue cannot be said to be owing to the laws
‘ of excise, but to the increase of the consump-
‘ tion.

‘ As to the great quantities of tea now in the
‘ warehouses of the *East-India* company, and the
‘ large quantities which, it is pretended, were bought
‘ up just before the alteration took place, it is cer-
‘ tain that the company generally have large quanti-
‘ ties in their warehouses, and sell them off accord-
‘ ing to the demand, which, as to our home con-
‘ sumption, must be pretty near equal, one year with
‘ another; so that if they have greater quantities
‘ now than usual, it must be because of the little
‘ demand there is for their tea at foreign markets;
‘ when there comes any such demand, they will, I
‘ suppose, sell off what tea they have upon their
‘ hands; but whatever is sold for that purpose,
‘ pays no duty, and therefore it cannot be said, that
‘ the

‘ the quantities they have upon their hands must all
‘ pay the duty, or that a variation in their sales can
‘ ever much alter the amount of that branch of the
‘ revenue : And whether there was any such thing
‘ as large quantities of tea bought up just before the
‘ alteration took place, is what I shall not now pre-
‘ tend to determine ; but if we go into a committee
‘ on this affair, the accounts of their sales, and the
‘ accounts of tea exported in that year may be call-
‘ ed for, and from them it will appear, whether
‘ large quantities were bought up by private families
‘ just before the alteration took place ; so that every
‘ fact the honourable gentleman has been pleased to
‘ mention is a strong argument for our going into
‘ a committee upon this affair.

‘ I, Sir, find no fault with the duty on tea being
‘ so high ; on the contrary, I wish it were higher
‘ than it is, if it were possible to collect it, because I
‘ look upon it as an article of luxury ; and therefore,
‘ if the duty on some sorts of tea were raised, and if
‘ all the tea that shall hereafter be seized, were to be
‘ burnt and destroyed, I believe it would be much
‘ better for the nation ; and this, Sir, is an answer
‘ to what an honourable gentleman said some time
‘ ago, that we ought not to go into a committee,
‘ unless we are well assured, that some gentleman
‘ has something to propose ; for tho’ I do not allow
‘ his rule to be good, because when a committee is
‘ resolved on, and proper papers and accounts are
‘ called for, gentlemen may from them find some-
‘ thing very reasonable to propose to the committee,
‘ which they could not before think of ; but in the
‘ present case, this argument is of no weight, for
‘ besides that which I have already mentioned, I
‘ could hint at several other propositions which may,
‘ perhaps, be thought reasonable : We are certainly
‘ in a wrong method at present, with respect to our
‘ duties upon tea : It is very well known, that there
‘ is a very great difference in the prices of different
‘ sorts

‘ sorts of tea, and yet our duty is upon all sorts of
 ‘ tea the same; tea of 2*s.* *per* pound pays as much
 ‘ duty as tea of 20*s.* and therefore, in my opinion,
 ‘ if the duty were laid on *ad valorem*, neither the
 ‘ public revenue, nor the *East-India* company
 ‘ would suffer so much by the large quantities of
 ‘ low priced tea, run in upon us from *Holland* and
 ‘ *Flanders*.

‘ It is not to be questioned, Sir, but that, in cases
 ‘ where the duty far exceeds the prime cost of the
 ‘ commodity, there is a very great temptation for
 ‘ smuggling: A man has more profit when he gets
 ‘ two *cents per cent.* upon the money he lays out,
 ‘ than when he gets but one, or perhaps but 50 *per*
 ‘ *cent.* and this will encourage him to run a greater
 ‘ risque, and will engage more persons to become
 ‘ adventurers: Upon this consideration it must be
 ‘ granted, that the lowness of the price of some sorts
 ‘ of tea abroad, may of late have contributed a lit-
 ‘ tle to the increase of smuggling; but no laws, no
 ‘ severity can, in such case, prevent the practice;
 ‘ for where there is an excessive advantage to be got
 ‘ by a man’s being lucky, no risque can prevent his
 ‘ endeavouring to grasp at it, nor will the misfor-
 ‘ tunes of some, frighten others from becoming ad-
 ‘ venturers: This is the nature of mankind, and
 ‘ therefore it is vain to imagine, that the joining of
 ‘ the laws of excise to the laws of the customs will
 ‘ prevent the practice of running tea, as long as the
 ‘ advantage to be got by running continues to be so
 ‘ extraordinary.

‘ Though every man who is subject to the laws
 ‘ of excise is as liable to hardships as another, yet,
 ‘ Sir, there is a very great difference between the
 ‘ excise upon tea, coffee, and chocolate, and the
 ‘ excise upon any other commodity. By all our
 ‘ other excises, except brandy, there are but a few
 ‘ people, none but the first manufacturers are made
 ‘ subject

' subject to the laws of excise, and by most of them
 ' there is a very great addition made to the public
 ' revenue ; but as to the excise upon tea, coffee and
 ' chocolate, there is little or no advantage got to the
 ' public by that method of collecting that duty,
 ' and yet by that excise there are more people, I
 ' believe, made subject to those oppressive laws
 ' than by all the other excises put together : And,
 ' surely, when we are to subject any of our fellow-
 ' subjects to hardships, or to oppressive laws, we
 ' ought to consider the number of people that are
 ' to be subjected, and the benefit which the pub-
 ' lic reaps thereby, in order to compare the two
 ' together, and from thence judge, whether the ad-
 ' vantage got by the public bears such a proportion,
 ' as may justify the laying such a number of our
 ' countrymen under great inconveniences : This,
 ' Sir, shews, that the giving ear to the just com-
 ' plaints of the petitioners, lays us under no neces-
 ' sity of taking the case of any other set of men
 ' under our consideration.

' As to the consent of those who may have an
 ' interest in the duty upon coffee, tea and choco-
 ' late, I believe we need give ourselves no trouble
 ' upon that head ; for as they are certain, that the
 ' Parliament will not allow them to be sufferers,
 ' they will, as soon as asked, readily, I believe,
 ' consent to any alteration we shall please to
 ' make, especially when it is for freeing such a con-
 ' siderable number of their fellow-countrymen from
 ' great hardships ; but it will be time enough to
 ' think of this, after we have come to the resolution
 ' of going into a committee upon this affair, and
 ' therefore that argument can be of no manner of
 ' weight against the question now before us.

John Cockburn, Esq; ' In our present situation, Mr. Cock-
 ' Sir, I would be very far from agreeing to any burn's speech
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‘ thing that could possibly tend to diminish the
 ‘ public revenue ; but I am certain, the revenue
 ‘ can be in no danger by our agreeing to the present
 ‘ motion ; for when we are in the committee pro-
 ‘ posed, if any such thing should be offered, gen-
 ‘ tlemen may freely give their negative to it, not-
 ‘ withstanding their having given their consent for
 ‘ going into that committee. I must say, that, in
 ‘ my opinion, I have not heard much argument
 ‘ made use of by the gentlemen who have been plea-
 ‘ sed to oppose this motion : The whole of what
 ‘ they have said, resolves, I think, in this, that the
 ‘ time is improper, because the session is to be but
 ‘ short ; so that the true question now before us is,
 ‘ Shall we allow so many of our fellow-subjects to
 ‘ labour under what they apprehend to be a griev-
 ‘ ance, without making the least inquiry into their
 ‘ complaints ? Or shall we sit three or four days
 ‘ longer than some gentlemen intend we should ? As
 ‘ this seems to be the only question at present before
 ‘ us, I think it is easy for any gentleman to deter-
 ‘ mine, which side he ought to take ; as for my own
 ‘ part, I shall most certainly be for going into the
 ‘ committee moved for.

Mr. Dan-
 vers's
 speech.

Joseph Danvers, Esq; ‘ I am so far, Sir, from
 ‘ being for the question now before us, that I think
 ‘ this house shews a great deal of good-nature,
 ‘ in allowing the petition to lie upon the table, for,
 ‘ in my opinion, it ought to be rejected. I shall,
 ‘ indeed, Sir, readily be for any thing that may
 ‘ discourage not only the running, but the impor-
 ‘ tation of coffee, tea or chocolate, for I wish we
 ‘ would or could be made all to return to the good
 ‘ old way of our ancestors, in breakfasting upon
 ‘ good *English* ale and bread and cheese. Both the
 ‘ men and the women of those days were, I believe,
 ‘ as strong and healthy as they are now, and yet
 ‘ what they made use of for breakfast, did not carry
 ‘ one

‘ one penny of money out of the nation : However,
‘ I think we may find out a much properer time for
‘ inquiring into this affair, than the very last session
‘ of a Parliament, and a session which must be
‘ taken up in considering things of much greater
‘ consequence, not only to this nation, but to *Europe*
‘ in general.

‘ An honourable gentleman talked much of a
‘ scheme which was before us last year, which he
‘ was pleased to call a wicked scheme ; but I differ,
‘ Sir, so far from him, that I think the gentlemen
‘ concerned in the administration never did a thing
‘ so wrong as the giving up of that scheme : I then
‘ thought, and I do still think, that it would have
‘ been very much for the interest of the nation in
‘ general, and I am very sure that it might have
‘ been carried, if those gentlemen had not, of
‘ themselves, let it drop.

The question was then put for referring the petition to a committee of the whole house ; and upon a division was carried in the negative, 233 against 155. But no question was put for ordering it to lie upon the table ; so that the petition was intirely dropt.

On *Tuesday* the 5th of *February*, Sir *John Rusbout* presented to the house (according to order) a bill to prevent the infamous practice of stock-jobbing, which was received and read the first time, and ordered to be read a second time.

Next day, viz. on *Wednesday* the 6th of *February*, the house (according to order) resolved itself into a committee of the whole house, to consider farther of the supply granted to his Majesty ; and the proper estimates being referred to that committee, as soon as Sir *Charles Turner* had taken the chair,

Mr. Andrews's
speech and
motion as
to the army.

Townshende Andrews, Esq; stood up and spoke to the effect following : ‘ Sir, by the employment I have the honour to be in, it naturally falls within my province, to take notice of the estimates which have been laid before us, relating to the charge of the guards, garrisons, and other his Majesty’s land forces in *Great Britain*, in the plantations, and in *Minorca* and *Gibraltar*, for the year ensuing : By these estimates gentlemen will find, that the charge for next year does but very little exceed that for last year, and therefore, considering the present state of affairs in *Europe*, which must be known to every gentleman in this house, I think it would be but mispending the time of the committee, to say any thing with relation to the question I have now in my hand to move to you.

‘ The difference between the situation this nation is in now, and the situation it was in last year, sufficiently justifies the small addition that is proposed to be made to our land forces ; the addition proposed is no more than 1800 men, and even this addition is proposed to be made in the easiest and least expensive way : We have now three regiments at *Gibraltar*, which have always hitherto been placed upon the *British* establishment ; because, tho’ they were sent there upon an emergency, it was never before thought necessary to continue them there ; but now that there is a war broke out in *Europe*, it cannot be thought safe to recall them ; and therefore in their place, it is proposed to add 1800 men to the regiments we have now at home, and to place them for the future upon the establishment for *Minorca* and *Gibraltar* : This, in my opinion, is so reasonable, and so necessary a demand, that I shall give the committee no farther trouble, but beg leave to move, That the number of effective men to be provided for guards and garrisons in *Great Britain*, and for *Guernsey* and *Jersey*,

‘ *Jersey*, for the year 1734, be (including 1815 invalids, and 555, which the six independent companies consist of, for the service of the *Highlands*) 17,704 men, commission and non-commission officers included.’

Upon this motion there arose a debate, in which there were several speeches made on both sides of the question, some of which were to the following effect, *viz.*

Sir *William Wyndham*. ‘ I do not stand up, Sir, ^{Sir William Wyndham's speech.} to oppose the motion made by the hon. gentleman over the way; for as the motion stands, the number of forces proposed to be kept up for next year, is, I find, no greater than that which was kept up for last year; and, according to our present situation, I do believe the keeping up of the same number of forces will not be thought very extravagant; but as by what the gentleman was pleased to say, there seems to be an augmentation designed; I shall therefore beg leave to propose an amendment to his question. However, I must first take notice, that as to our own particular situation, it is a very difficult matter to say what it is at present; for as no information, relating to that question, has been given to the house, as all steps taken by gentlemen, to get a little light into that affair, have been stopt, and the very attempting to get a little information, has been reflected on as disrespectful to his Majesty; I am sure there is no gentleman who hears me, can say, that as a member of this house, he knows as much of our present situation, as may justify his consenting to the laying of a new load upon the people he represents.

‘ There is, Sir, no gentleman in this house who can agree to any demand that comes from the crown more chearfully than I shall, when I see any

‘ reason or necessity for such a demand ; but when
‘ any augmentation of our forces, either by sea or
‘ land, is demanded, when any additional load is
‘ desired to be laid upon the people, while I have
‘ the honour to be one of the representatives of the
‘ people, I shall always expect to have sufficient
‘ reasons shewn to me, before I give my consent for
‘ complying with any such demand ; and therefore,
‘ upon every such occasion, I think, a full informa-
‘ tion ought to be given as to the situation of our af-
‘ fairs, that we may from thence judge, whether we
‘ ought to consent to what is proposed : Nay, tho’
‘ no augmentation had been asked, if nothing more
‘ were to be asked, but to keep up for next year the
‘ same number that was kept up last year, yet, as it
‘ is a heavy charge upon the people, and cannot sure-
‘ ly be always necessary, the consent of Parliament
‘ ought not to be expected, without giving us some
‘ good reasons for so doing.

‘ For this reason I hope, Sir, that some gentle-
‘ men who can inform us, will rise up and let us
‘ know something of our present circumstances : It
‘ is high time we should know, not only our pre-
‘ sent situation, but likewise what share we are to
‘ take, or if we are to take any, in the war now
‘ begun in *Europe* : It is chiefly with this view that
‘ I am to offer an amendment to the question ; my
‘ principal design in it is, that some gentleman may
‘ rise up and give me some argument, afford me
‘ some excuse, for my consenting to lay a new load
‘ upon a people, whom I know to be already most
‘ heavily loaded. I know, Sir, we are in a com-
‘ mittee, and that therefore I may be indulged in
‘ speaking more than once, for which reason I shall
‘ now add no more, but only move, that the words,
‘ *and including the three regiments of Tirawley, Grove*
‘ *and Kirk,* may be added by way of amendment to
‘ the question.’

Henry

Henry Pelham, Esq; ' My opinion, Sir, is the same with that of the hon. gentleman who made you this motion; the augmentation proposed is, I think, so very small, the manner of doing it so easy, and so little expensive, and the necessity for doing it so evident and apparent, that I did not expect that either I, or any gentleman else, should have been under a necessity of standing up to say any thing in support of the motion. The hon. gentleman who spoke last has proposed an amendment, and wants much, it seems, to be informed of our present situation, and hopes that some gentleman will stand up and satisfy him: I do not take upon me to speak as a person any way concerned in the administration, I speak only as a member of this house, and as such, I want no farther information; the lights I have, and which every gentleman in this house must know, are sufficient to enable me to give my vote in the present question: If other gentlemen, whose curiosity may be greater than mine, want to know more than they yet know, I am afraid they will return from the house no wiser, in that respect, than when they came to it; for gentlemen are not obliged to say more than what is necessary for their present argument, nor are they bound, upon every occasion, to satisfy the private curiosity of other men.

' Every gentleman, Sir, must know the present circumstances of affairs in *Europe*, and from that consideration alone he must see the necessity of the augmentation proposed: The three regiments which are now at *Gibraltar*, have been, till now, kept upon the *British* establishment, because it was not expected that we would have been obliged to have continued them there; but now that there is a war broke out in *Europe*, now that our neighbours have all great armies in the field, and great fleets at sea, would any man think it wise or pru-

' dent in us, to diminish the strength of that place
 ' by recalling those three regiments? Or can any
 ' gentleman in this house think, that a less number
 ' of regular troops at home is necessary now in the
 ' time of war, than what was last year, in the time
 ' of peace, thought necessary for the defence of his
 ' Majesty's person and government? Surely no gen-
 ' tleman in this house can think so, and therefore I
 ' cannot see how any gentleman in this house can
 ' disagree with the question now before you; since
 ' all that is thereby proposed is but a small additi-
 ' onal expence of 34 or 35,000 *l.* to the nation; it is
 ' only an augmentation of our forces at home, equal
 ' to, and in the room of those three regiments, which
 ' it is now become necessary to put upon a foreign
 ' establishment; for after they are once put upon
 ' that establishment, it is certain they cannot be
 ' called home, whatever necessity we may have for
 ' them here; and, for all that has been formerly
 ' said by gentlemen about numerous standing ar-
 ' mies, I know very well, that while I served in
 ' another office, we never were able to make such
 ' a disposition of quarters, as to have it in our power
 ' to call above three or four thousand men together
 ' upon any emergency. For these reasons, Sir, I
 ' cannot agree to the amendment proposed; on the
 ' contrary, I never was, I think, clearer in any one
 ' question I moved in this house, than I am in that
 ' which you now have in your hand.'

Mr. Heath-
 cote's speech.

George Heathcote, Esq; ' Sir, as the situation of
 ' affairs in *Europe* is very much altered since last
 ' year, so my opinion, with respect to our army, is
 ' greatly changed. I was, 'tis true, last year, against
 ' keeping up such a number of regular troops, as the
 ' majority of this house were in last session of Parli-
 ' ament pleased to agree to; but the reasons which
 ' then made me vote against the number proposed,
 ' seem to be good reasons for agreeing to what is
 ' now

‘ now proposed. We were then in a state of perfect
 ‘ tranquillity, both at home and abroad ; but now
 ‘ the scene is changed, and we are in great danger
 ‘ of being involved in that war which is already
 ‘ broke forth : Do not we see the King of *France*,
 ‘ who, for some years, has been in a state of inacti-
 ‘ on, and seemed to mind nothing but his pleasures
 ‘ and diversions, do not we see, I say, that young
 ‘ monarch now applying himself, with great appli-
 ‘ cation, to public business, and following the foot-
 ‘ steps of his ambitious predecessor ? Do not we see
 ‘ that he, by his armies, in conjunction with those
 ‘ of *Spain* and *Sardinia*, has, in a very short time,
 ‘ over-run a great part of *Italy* : This, Sir, has
 ‘ given the alarm to all the Princes of *Europe*, and
 ‘ certainly ought to give us some sort of alarm like-
 ‘ wise ; we are, perhaps, among the most remote
 ‘ from danger, but it may reach us at last, and in
 ‘ such circumstances, I should think it very unwise
 ‘ in us not to be upon our guard ; for which reason
 ‘ I cannot but agree to a demand, which in itself I
 ‘ think so modest and so reasonable ; and I wish
 ‘ that the present question had been agreed to with-
 ‘ out any opposition or debate, in order to con-
 ‘ vince the whole world, that there is a good har-
 ‘ mony subsisting between his Majesty and his Par-
 ‘ liament.’

William Shippen, Esq; ‘ Sir, notwithstanding
 ‘ what has been said by the two honourable gentle-
 ‘ men who spoke last, I am of the same opinion
 ‘ with my honourable friend, who moved for an
 ‘ amendment to the question ; for unless we are to
 ‘ engage, unless we are to have some share in the
 ‘ present war, I can see no necessity, nor indeed any
 ‘ reason for the augmentation proposed ; because I
 ‘ am very well assured, none of the powers engaged
 ‘ in war will attack us, if we have a mind to stand
 ‘ neutral ; and if his Majesty were resolved to take

Mr. Ship-
 pen's speech.

‘ any share in the war, or even to give the least
 ‘ assistance to either of the parties engaged, he would
 ‘ certainly have communicated his resolutions to his
 ‘ Parliament: Surely those gentlemen who have
 ‘ always thought, at least of late years, that an
 ‘ army of 18,000 men is necessary in time of peace,
 ‘ to support his Majesty’s government, can never
 ‘ think that the addition of 1800 will enable him to
 ‘ take any share in the war, or to give assistance to
 ‘ any of his allies; from hence I must conclude,
 ‘ that his Majesty is not to take any share in the
 ‘ war; so that the smallness of the augmentation
 ‘ demanded, which they make use of as an argu-
 ‘ ment for prevailing with us to agree to it, is with
 ‘ me a very strong argument for refusing to give
 ‘ my consent.

‘ But, Sir, the chief argument with me for being
 ‘ against the present question is, that I am afraid lest
 ‘ the number of forces kept up last year, should come
 ‘ to be thought always necessary to be kept up, even
 ‘ in the times of the most profound peace and tran-
 ‘ quillity; and indeed the gentleman who spoke last
 ‘ but one, seemed to insinuate as much; so that from
 ‘ henceforth we may reckon an army of 18,000 men
 ‘ as a part of our constitution; and even this army,
 ‘ it seems, is always to be augmented, whenever
 ‘ any little quarrel happens between any two of our
 ‘ neighbours, and that, whether we are to have any
 ‘ share in the quarrel or not: This is the principal
 ‘ reason, Sir, why I cannot agree to the question as
 ‘ it now stands, and therefore I shall be for the
 ‘ amendment proposed.’

Mr. Pulteney’s speech.

William Pulteney, Esq; ‘ Sir, the honourable
 gentleman who moved the question, did extreme-
 ‘ ly well in opening and explaining it to the com-
 ‘ mittee, for it is in itself so dark and intricate, that
 ‘ without the explanation he was pleased to give us,
 ‘ I believe there are very few gentlemen in the house
 ‘ who

‘ who would have understood it, or could have imagined, that a large augmentation was thereby meant to be made to our land forces in *Great Britain*: By the words of the question, no greater number of land forces than what was voted last year appears to be demanded, yet when it comes to be explained, we find that there is a demand for an augmentation of about 2000 men: Here, Sir, is an army in disguise; it really puts me in mind of Mr. *Bays*’s army in the play, for it would have been an army *incog*. if the gentleman had not been pleased to discover it.

‘ An hon. gentleman told us, that those three regiments now at *Gibraltar*, if they should once be put upon that establishment, could not be called home, let the occasion for them here be never so pressing; this I cannot admit, I can see no impossibility of calling them home, though they should be put upon that establishment; but, granting there were, have we not 12,000 men in *Ireland*, from whence we may call home as many as we please, upon any emergency: Has not this been done, Sir, in former times? And did not the Parliament of *Great Britain* willingly make up the difference of the pay, and all the other charges that attended the transporting of them: Besides this, cannot we call for troops from *Holland*, whenever we have occasion for any such? Has not this likewise been formerly done? We know that the *Dutch* are, by treaties, obliged to furnish us with 10,000 men, if we should be attacked by any power in *Europe*, and that at their own expence too; though I believe, indeed, that we never had as yet, any such assistance from them, but what the Parliament of *Great Britain* was obliged to pay for.

‘ The gentleman spoke likewise of the disposition of quarters, and the difficulty of getting a number of men together, on any emergency. Sir, I have

‘ had the honour to serve in that office, as well as
‘ the hon. gentleman, and I never knew a disposi-
‘ tion of quarters so made, but that almost all the
‘ troops in *Great Britain* could be got together by
‘ regular marches, time enough to oppose any ene-
‘ my that could come against us, unless they should
‘ drop from the clouds : I cannot comprehend from
‘ whence gentlemen imagine that such troops should
‘ be sent against us : Must they not march from
‘ their several quarters to the sea coast of that coun-
‘ try from whence they are to come ? Must they
‘ not have a fleet of ships to transport them, and a
‘ fair wind to bring them to this island ? Will not
‘ all this take up time, and that enough to give us
‘ an opportunity of assembling our forces ? This,
‘ really, Sir, to me seems to be raising fantasms in
‘ the air, in order to find pretences for loading the
‘ people of *England* with taxes.

‘ The amendment proposed was not, I believe,
‘ Sir, meant by the honourable gentleman who mo-
‘ ved it, so much to be insisted on, as to oblige those
‘ gentlemen who desire us to consent to this aug-
‘ mentation, to shew us some reason for so doing ;
‘ and with this view I must join with him, and will
‘ be for the amendment, till I hear some reason gi-
‘ ven for the augmentation : If those gentlemen will
‘ vouchsafe to shew us any reasons for what they ask,
‘ and those reasons shall appear to be sufficient, I
‘ make no doubt but that my worthy friend will be
‘ ready to drop the amendment he has proposed ;
‘ and, till some reason is offered to us, I think I
‘ have no occasion to say any thing more upon this
‘ subject. When they have shewn us their reasons
‘ for making this augmentation, I shall either agree
‘ with them, or I shall endeavour to shew, why I
‘ do not think the reasons they have offered suf-
‘ ficient.’

Mr. *Pelham* stood up again, and explained a little what he had before said, with respect to the calling home the regiments from *Gibraltar*, and with respect to the disposition of quarters. And then,

Walter Plummer, Esq; said. ‘ I cannot but think, Mr. Plummer's speech.
 ‘ Sir, that it is highly reasonable for gentlemen to
 ‘ expect a little more satisfaction than what they
 ‘ have yet got, as to the necessity for this augmen-
 ‘ tation, before they agree to it. This house has
 ‘ always been said to hold the purse of the people;
 ‘ but if we should agree to any tax, or to any mea-
 ‘ sure which may oblige us to load the people with
 ‘ taxes, without the least reason assigned, I am sure
 ‘ we could not justly be said to be masters of the
 ‘ purse of the people; we would be only the slaves
 ‘ who carry it, in order to open it as often and as
 ‘ wide as our masters shall please to command.
 ‘ From all that has been yet said, I cannot see that
 ‘ we are in any immediate danger, either at home
 ‘ or abroad; and I am afraid, that the putting of
 ‘ those three regiments upon the establishment of
 ‘ *Gibraltar*, may be done with a view to make the
 ‘ people of this nation feel the great expence of
 ‘ that place, in order to make them sick of it, and
 ‘ so to induce them the more easily to agree to the
 ‘ delivering it up.’

The hon. *Edward Digby*, Esq; ‘ The number Mr. Digby's speech.
 ‘ of land forces now proposed to be added to the
 ‘ number voted last year, I must own to be but
 ‘ very inconsiderable; but, Sir, as the number voted
 ‘ last year, was by many thousands more than I then
 ‘ thought necessary, I must now look upon all those
 ‘ thousands, as an addition made this year to the
 ‘ number of our land forces; and as that addition
 ‘ is much larger than I can judge to be necessary,
 ‘ from all that I have heard from those gentlemen
 ‘ who

‘ who are so fond of increasing our army, I cannot
‘ but be against any new levies.

‘ Gentlemen tell us, that the expence of the aug-
‘ mentation proposed can be but very small, it is,
‘ say they, but four or five and thirty thousand
‘ pounds; but to this I must add the expence of
‘ those many thousands which last year I thought
‘ very unnecessary to be kept up; and in this light
‘ the additional expence of our army for this year,
‘ will amount almost to hundreds of thousands:
‘ Besides this, Sir, those gentlemen seem to forget,
‘ that every man that is added to the army, is a man
‘ taken from the labour and industry of their coun-
‘ try, and with this view the real loss to the nation
‘ will amount to double that sum: Do they think,
‘ that the labour of a working man is to be valued
‘ at nothing? Sir, I believe that, at the most modest
‘ computation, the labour of every working man in
‘ the kingdom, one with another, brings in 20*l.* to
‘ his country: It is by the labour and industry of
‘ such men that the trade, and consequently the
‘ riches and the power of this nation is supported, and
‘ therefore the taking of any such man from his la-
‘ bour, must be doing a real injury to his country.

‘ What was mentioned by an honourable gentle-
‘ man some time ago, affords me really, Sir, a most
‘ melancholy consideration: He was afraid, lest an
‘ army of at least 18,000 men should come to be
‘ made a part of our constitution; and I am of
‘ opinion, that the gentleman’s fears are by much
‘ too well founded, for there seems to be now, so
‘ many gentlemen who look upon an army of
‘ 18,000 as always necessary for the support of
‘ our government, that though we have, for some
‘ years past, been in a state of the most profound
‘ peace and tranquillity, yet we have never been
‘ able to reduce our army below that number;
‘ but, as I am of opinion, Sir, that the number is
‘ not

‘ not necessary in time of peace, as I think it is
 ‘ sufficient, even though we were in some little
 ‘ danger of a war, therefore I cannot agree to
 ‘ any augmentation, unless I see some greater ne-
 ‘ cessity for it than has been yet shewn to this
 ‘ house.’

Sir *William Wyndham*. ‘ I stand up, Sir, only Sir William
Wyndham
again.
 ‘ to observe, that my honourable friend over the
 ‘ way, has done me justice in saying, that the a-
 ‘ mendment I have moved for was principally with
 ‘ a view of having a little information from some of
 ‘ those gentlemen in the administration, as to our
 ‘ present situation, in order that I may from thence
 ‘ be able to judge of the necessity of complying
 ‘ with the demand made by the crown: This is,
 ‘ Sir, I think, no more than what the Parliament
 ‘ ought to desire, and certainly has a right to ex-
 ‘ pect; and therefore I cannot even yet think, but
 ‘ that some gentleman, who is qualified for that
 ‘ purpose, will rise up, and give us, at least, as
 ‘ much information about our present circum-
 ‘ stances, as may enable us to give some reason
 ‘ for our consenting to the augmentation now de-
 ‘ manded.’

Mr. Chancellor of the *Exchequer*. ‘ Tho’ I had Sir Robert
Walpole’s
speech.
 ‘ resolved, Sir, to sit still, and say nothing in the
 ‘ present debate, yet, as I believe my self pointed
 ‘ at by the honourable gentleman who spoke last,
 ‘ when I find my self so often called upon, I cannot
 ‘ forbear giving some answer to what gentlemen have
 ‘ been pleased to say against the small augmentation
 ‘ of our forces, which has been proposed. As to the
 ‘ information which gentlemen are so fond of ha-
 ‘ ving, I do not really know what they mean by it,
 ‘ or what they want to be informed about: It is
 ‘ publicly known, that there is a war now broke
 ‘ forth in *Europe*, even his Majesty in his speech has
 ‘ taken

‘ taken notice of it, and in the same speech his Ma-
‘ jefty has been pleased to declare to us, that he is
‘ as yet no way engaged in the war, nor would de-
‘ termine himself till he had examined the several
‘ facts alledged by both parties: This, Sir, is a de-
‘ liberation consistent with the wisdom of his Maje-
‘ sty’s counsels, and from thence we may be assured,
‘ that we are not as yet any way concerned in the
‘ present war; we may, ’tis true, be concerned re-
‘ latively and consequentially, but, from what his
‘ Majesty himself has told us, we must conclude that
‘ we are under no present engagements, and there-
‘ fore I must think it strange in gentlemen to ex-
‘ pect or desire any declaration from his Majesty,
‘ by those who have the honour to serve him, before
‘ any resolution has been taken, nay, even before
‘ his Majesty could possibly have an opportunity
‘ to inquire into those facts, which he has told us,
‘ he will thoroughly examine before he determines
‘ what he is to do.

‘ But, Sir, as it is a matter of the utmost conse-
‘ quence, to all the powers engaged in the war, to
‘ know what part *Great Britain* is to take, or whe-
‘ ther or no we are to take any part in the present
‘ war, we may conclude, that they are all extreme-
‘ ly anxious about knowing what we are to do, and,
‘ surely, if there is any power in *Europe* who may
‘ in the event become the enemy of *Great Britain*,
‘ particularly interested in, and therefore anxious to
‘ know the result of our deliberations, it would be a
‘ very good reason, if there were none other, why
‘ gentlemen ought not to expect the satisfaction they
‘ seem so earnestly to desire, especially before so full
‘ and so public an audience: This, I say, Sir, would
‘ be a good reason for his Majesty not to declare his
‘ resolution here, even supposing he had come to a
‘ resolution; and till his Majesty thinks fit to pub-
‘ lish his resolutions, gentlemen may believe, that
‘ neither I, nor any other member of this house,
‘ who

‘ who has the honour to serve the crown, will be
‘ ready to make any declarations in this place, ’till
‘ we do it *ex officio*, and by his Majesty’s orders.

‘ Now, Sir, without any farther information, let
‘ us consider the present circumstances of *Europe*: We
‘ all know, and his Majesty has told us, that a war
‘ is broke out in *Europe*; we are not immediately
‘ concerned in this war, but as the too great success
‘ of either side may endanger the liberties of *Europe*,
‘ we are certainly concerned in the event; and as
‘ we are concerned in the event, those powers who
‘ may perhaps now, or may hereafter come to think,
‘ that we are, in interest, nay, for self-preservation,
‘ obliged to declare against them, will not they, as
‘ soon as they begin to think so, endeavour to take
‘ us at a disadvantage, and, before we are prepared
‘ for our defence, in order to prevent our attempt-
‘ ing to put a stop to those ambitious views which
‘ success may inspire them with? Is it not therefore
‘ necessary for us to be upon our guard, and to pro-
‘ vide in time for our own defence? Upon this con-
‘ sideration, the necessity for the augmentation pro-
‘ posed, which some gentlemen pretend they can-
‘ not discover, is to me so apparent, that it speaks
‘ itself, and the demand is, in itself, so modest, and
‘ so evidently shews, that his Majesty’s inclinations
‘ are to lay as few and as easy burdens on his people
‘ as possible, that I must say, the making of any
‘ difficulty to comply with it does not testify any
‘ great respect towards his Majesty, nor a warm af-
‘ fection or zeal for his government; and therefore
‘ I hope the question will be agreed to without any
‘ amendment.

‘ As to the insinuation made by a worthy gentle-
‘ man over the way, that there was a design to make
‘ *Gibraltar* appear expensive, in order to make peo-
‘ ple sick of it, and induce them to consent to the
‘ giving it up, the repeating this insinuation is, I
‘ think, Sir, a sufficient answer to it; for to say that

‘ the ministry, by adding three regiments to the
 ‘ defence of *Gibraltar*, are in a plot to deliver it
 ‘ up, has something so ridiculous in it, that I am
 ‘ surpris’d it should drop from the honourable gen-
 ‘ tleman; but I am perswaded he did not mean to
 ‘ be serious when he made that insinuation, and
 ‘ therefore I shall take no farther notice of it.

Mr. Pulte-
 ney’s speech.

William Pulteney, Esq; ‘ I believe, Sir, most
 ‘ gentlemen, as well as myself, whose expectations
 ‘ were rais’d when the honourable gentleman stood
 ‘ up, have met with a very great disappointment:
 ‘ That gentleman, from whom we had reason to ex-
 ‘ pect something that would have been of weight in
 ‘ the present debate, has not only told us, that we
 ‘ are to have no reason for what we are desired this
 ‘ day to agree to, but has given us very little hopes
 ‘ of having at any other time, that information
 ‘ which one would think a *British* Parliament might
 ‘ expect. Are we, Sir, to vote powerful fleets, and
 ‘ numerous armies; are we to lay new and great
 ‘ burdens on the people, and all this without being
 ‘ told any reasons for what we are desired to do?
 ‘ What satisfaction can we, Sir, give our consti-
 ‘ tuents, if they should ask us, why we have aug-
 ‘ mented our standing army, which must always be
 ‘ dangerous to the liberties of our country? Why we
 ‘ have consented to the increasing the public charge,
 ‘ which is already heavier than the people can bear?
 ‘ Really, Sir, to this most material, and, I think,
 ‘ most reasonable question, I know, as yet, of no o-
 ‘ ther answer we can give, but only that his Majesty
 ‘ has told us in his speech, that there is a war broke
 ‘ forth in *Europe*, in which we have no manner of
 ‘ concern, and his ministers have told us, that we
 ‘ ought to be afraid of the armies and fleets rais’d
 ‘ and fitted out by our neighbours, because they are
 ‘ under an absolute necessity of employing all the ar-
 ‘ mies they can raise, and all the fleets they can fit
 ‘ out,

‘ out, in those parts of *Europe* which are most re-
‘ mote from us; we have zeal, Sir, I hope we have
‘ all a great deal of affection and zeal for his Maje-
‘ sty’s person and government; but do not let us
‘ allow his Majesty’s ministers, or even his Majesty
‘ himself to expect such a blind zeal from his Par-
‘ liament: It is inconsistent with the dignity of
‘ Parliament, and I am sure, that Parliaments thirty
‘ or forty years ago, would hardly have been per-
‘ suaded to have shewn so much complaisance to the
‘ ministers of the crown.

‘ What has been observed by some gentlemen, I
‘ own, Sir, weighs greatly with me: From the de-
‘ mand now before us we have reason to conclude,
‘ that 18,000 men may be the number intended to
‘ be always kept up within this island, even in the
‘ times of the greatest peace and tranquillity, and
‘ that the augmentation now required is done with a
‘ view only, that when such times shall again come,
‘ those in the administration may have an opportu-
‘ nity to pretend great merit, in reducing the 1800
‘ men now proposed to be added: We all know
‘ what jealousies and fears the people have entertain-
‘ ed at the continuing of this army, during the last
‘ years of perfect peace and tranquillity both at home
‘ and abroad; and if that measure should be again
‘ attempted, when those days of peace return, every
‘ man must then conclude, that that army is kept
‘ up, not for defending us against our foreign ene-
‘ mies, but for the safety of those who have render-
‘ ed themselves odious among the people, and for
‘ defending them against the resentment of an inju-
‘ red and a plundered nation: If this should ever
‘ happen to be our unfortunate condition, the peo-
‘ ple will certainly make a struggle for the preserva-
‘ tion of their ancient constitution: This will certain-
‘ ly be the case, I know it must be the case; and
‘ when it is, I hope those who shall bring us under

‘ such hard circumstances, will find, that even this
‘ army of 18,000 men, will not be able to stand
‘ against the whole people of *England*. I have a
‘ great opinion of many gentlemen who have now
‘ commands in the army, and if such a case should
‘ happen, while they have any command, I make
‘ no doubt but they would behave as their prede-
‘ cessors did at the revolution, I dare say, that most
‘ of them would soon be found of the people’s side
‘ of the question.

‘ If we are, Sir, to have any share in the war,
‘ the addition of 1800 men is but a bawble ; and if
‘ we are to have no share, why should we bring any
‘ additional expence upon the people ? The honour-
‘ able gentleman would not say, positively, that
‘ we were engaged or were not engaged, or that we
‘ were or were not to be engaged, but that we might
‘ be engaged relatively and consequentially, and this
‘ refined quibbling, Sir, is, it seems, all the satis-
‘ faction, all the reasons, he will vouchsafe to give
‘ gentlemen, for agreeing to the demand now made
‘ upon them. Is an *English* house of Commons to
‘ take this as a reason for breaking in upon their
‘ constitution, and for loading their constituents with
‘ taxes ? Surely, Sir, let our condition be never
‘ so bad, and I believe it is bad enough, if the ad-
‘ vice of Parliament is wanted on that occasion, if
‘ their assistance be desired, they ought to have a
‘ full information of the present circumstances of the
‘ nation, and they ought to have sufficient reasons
‘ given for the demand that is made ; but it seems
‘ we are for the future to have no other reason given
‘ us for complying with any demand that comes
‘ from the crown, but only because it is asked ; and
‘ if any gentleman scruples to take that as a suffi-
‘ cient reason, he is, it seems, always to be told, that
‘ his not agreeing readily to the demand, will be
‘ looked upon as a want of respect to the crown :
‘ Let us, Sir, have all due respect to the crown,
‘ but

‘ but for God’s sake, let us have likewise some re-
 ‘ gard to ourselves and our fellow-subjects, without
 ‘ which I am sure we have no business here, nor
 ‘ can the nation ever reap any benefit from our
 ‘ meeting in this place.

‘ The extraordinary expence of the augmenta-
 ‘ tion now asked for, is said to be but 34 or 35,000*l.*
 ‘ It is, at least 35,000*l.* which is a sum that may,
 ‘ perhaps, sound but little in those ears which are
 ‘ accustomed to millions, yet it is a great sum, and
 ‘ will be thought so by the people of *England*, who
 ‘ are already over-burdened with taxes and imposi-
 ‘ tions : It is an additional expence, which no man
 ‘ ought to consent to, unless he sees an absolute ne-
 ‘ cessity for so doing : The honourable gentleman,
 ‘ ’tis true, says, that the necessity is apparent, and
 ‘ that it speaks for itself : It is well it does so, for
 ‘ no gentleman has as yet thought fit to say any
 ‘ thing for it ; but as I neither can see this apparent
 ‘ necessity, nor hear it speak for itself, I must there-
 ‘ fore as yet be for the amendment which has been
 ‘ proposed.

Sir *William Yonge*. ‘ The question now before Sir William Yonge’s speech.
 ‘ us is, in my opinion, Sir, so reasonable, and the
 ‘ additional expence, which the honourable gen-
 ‘ tleman who spoke last was pleased to call a great
 ‘ sum, is, I think, so far otherwise, that I be-
 ‘ lieve every gentleman in this house, when he
 ‘ heard the motion made, was surpris’d at the mo-
 ‘ desty of the demand, and could not but admire
 ‘ his Majesty’s wisdom, and the great care he had
 ‘ of doing nothing that might be burdensome to his
 ‘ people.

‘ Gentlemen may, if they will, shut their eyes,
 ‘ and not see that object which stands before them
 ‘ in the clearest light, but the necessity of what is
 ‘ now proposed, is to me as apparent as the sun at
 ‘ noon-day. Though we be not as yet any way en-

‘ gaged in the war now carrying on in *Europe*, yet
‘ no man can answer for future events, nor can we
‘ know what resolutions foreign courts may hereafter
‘ come to ; it is for this reason, that we ought to be
‘ always well provided for our defence, against any
‘ sudden attempts that may be resolved on or made
‘ against us ; and we certainly ought to be better
‘ provided for our defence, when our neighbours are
‘ at war, than when they are in a state of profound
‘ tranquillity. When they are at war they always
‘ have armies in the field, and fleets at sea ; they
‘ have many pretences for marching their armies
‘ wherever they have a mind, and for fitting out
‘ what fleets, and at what places they think proper ;
‘ with some of these they may come upon us at
‘ unawares, and when we think that their warlike
‘ preparations are designed against those they are
‘ actually at war with ; whereas, in time of peace,
‘ though they have standing-armies, yet those armies
‘ are dispersed and in quarters, and if any number of
‘ them should be gathered together, and prepared
‘ for an expedition, we would have a right to de-
‘ mand the reason for such preparations, and we
‘ could easily judge, whether or no they were, or
‘ could be, designed against us ; as to their fleet, it
‘ is the same, tho’ in time of peace they have ships
‘ of war, as well as other ships, yet their men of
‘ war are mostly laid up in their docks, and their
‘ other ships employed in their proper business, and
‘ if they should begin to fit out a fleet, and prepare
‘ for a naval expedition, we would have a right to
‘ demand whither they were designed, and could
‘ easily judge, whether or no they could be intended
‘ for an invasion upon us ; in either of which cases,
‘ we would have time to prepare for giving them a
‘ proper reception : From this consideration it ap-
‘ pears evident to me, that it is necessary for us to
‘ have both a greater fleet at sea, and a more nume-
‘ rous army at land, when our neighbours are en-
‘ gaged

‘ gaged in war, than we have occasion for when
 ‘ they are all in a profound peace ; and I cannot
 ‘ but think that the augmentation now proposed is
 ‘ the least that can be judged necessary.

‘ As to the conjectures, Sir, which gentlemen have
 ‘ been pleased to throw out, of what may be intend-
 ‘ ed, when peace shall be again restored to *Europe*,
 ‘ I think no gentleman now in this house is any
 ‘ way concerned in them, or obliged to give any
 ‘ answer to what has been said upon that subject : If
 ‘ what ought to be then done, be not done, let those
 ‘ who shall then have the honour to advise the King
 ‘ answer for it ; but a supposition that they will not
 ‘ do their duty, can be no reason for us to neglect
 ‘ or to refuse doing our duty upon the present emer-
 ‘ gency. The honourable gentleman was pleased to
 ‘ say, that he had heard no body speak, or give any
 ‘ reason for the necessity of the augmentation pro-
 ‘ posed ; if it be so, I am sure I have heard no gen-
 ‘ tleman say any thing against it ; and therefore,
 ‘ since nothing has been said of either side of the
 ‘ question, let every gentleman give his vote, accord-
 ‘ ing to what his own thoughts may suggest to him.’

Master of the Rolls. ‘ As I shall always shew a Sir Joseph Jekyll's speech.
 ‘ great willingness in complying with any demands
 ‘ which his Majesty shall please to make, when I
 ‘ see that they are requisite for supporting or defend-
 ‘ ing the honour and the interest of this nation ; so
 ‘ I shall always be extremely cautious, of agreeing
 ‘ to any thing that may bring new loads upon the
 ‘ people, by increasing the public expence, unless
 ‘ when I plainly see an absolute necessity for it ; and
 ‘ therefore, Sir, I cannot, for all I have yet seen or
 ‘ heard, agree to the present motion. I am not ig-
 ‘ norant of the present state of affairs abroad, but as
 ‘ we are not as yet any way engaged in the quarrel,
 ‘ I can see no danger we are in from any power a-
 ‘ broad,

‘ broad, and therefore, I can see no reason for our
‘ making any additional provision for our defence;
‘ for tho’ we were really in some danger, we have,
‘ in my opinion, sufficiently provided against it by
‘ the large armament we have already voted for the
‘ sea-service, which, as it is our natural defence, was
‘ cheerfully, and, I may say, unanimously agreed to:
‘ Nay, if we were to give some assistance to some
‘ of the powers engaged in the war, which no gen-
‘ tleman has yet said we are, it is certain that we
‘ may assist as effectually by our fleet, as by our
‘ land-forces, and, in such case, I should be for aug-
‘ menting our naval force, rather than our land-
‘ army.

‘ The honourable gentleman who spoke last, en-
‘ deavoured to shew, that we ought to be better pro-
‘ vided for our defence, when our neighbours are
‘ engaged in war, than when they are in a profound
‘ peace; but in my opinion, if we are no way en-
‘ gaged in the quarrel, we have then less occasion to
‘ provide for our defence; because when our neigh-
‘ bours are engaged against one another, they will
‘ certainly be so far from doing any thing that may
‘ disoblige us, that we must then be courted by both
‘ parties, if not for our assistance, at least for this,
‘ that we may observe an exact neutrality; and to
‘ me it really seems a paradox to say, that any na-
‘ tion in *Europe* will be the more ready to attack us,
‘ because they are already deeply engaged against
‘ another enemy. For this reason I must conclude,
‘ that we are in no danger of being attacked, till
‘ we come to a resolution to join one side or other;
‘ when we have once come to such a resolution, we
‘ ought to provide for offence, as well as defence,
‘ and till then we ought to save as much as possible,
‘ that we may be able to execute our resolution,
‘ when taken, with the more vigour.

‘ Gentle-

‘ Gentlemen talk of *France*, and of the great armies they have in the field, and the great fleets they have at sea ; but I am sure we can be at present under no apprehensions from them : That nation has now work enough upon their hands, in sending two great armies to different parts of the world, and providing at the same time for their own security at home ; and whatever fleets they may have at sea, it is certain, that they will have occasion for them elsewhere ; nay, even tho’ they had not, I doubt much if it be in their power to send any such fleet to sea, as could give us just cause of fear, for when gentlemen talk of invasions, I hope they do not think, that this nation is to be conquered by ten or twelve thousand men ; and unless they could send at once such an army as would be able to conquer the nation, any lesser number would be just so many men thrown away ; for our fleet would not only prevent succours from coming to them, but would likewise prevent its being in the power of those who landed, to make their escape out of the island.

‘ But besides its not being in the power of *France* to attempt any thing at present against us, I believe it is not in their inclination : They certainly look upon us as their allies, and have, I believe, good reason for so doing. I shall not enter into a disquisition of the many engagements we are at present under to foreign powers, but I am afraid they are such, that whatever measure we may pursue, with respect to the present war, it will not be easy to reconcile the honour and the interest of this nation : If our interest should call upon us to assist the Emperor and his allies, I am afraid we must forfeit our honour to *France* and her allies ; and if our interest should call upon us to assist *France* and *Spain*, we must equally forfeit our honour to the Emperor ; nay, if we should observe an exact neutrality, I am afraid both parties would have
‘ some

‘ some grounds for accusing us of a breach of faith :
 ‘ I shall not pretend to give names or epithets to any
 ‘ measure, or to any minister, but a management
 ‘ which has brought the honour and the interest of
 ‘ the nation thus to clash, I cannot applaud.

‘ As the design of proposing the amendment
 ‘ which has been offered, seems to be only in order
 ‘ to procure some information, or some reasons for
 ‘ the augmentation demanded, I must say, that if
 ‘ the demand on one side be thought so very modest,
 ‘ it must be granted, that what is asked on the other
 ‘ side is fully as modest ; and if nothing has been
 ‘ said for or against the augmentation, it certainly
 ‘ ought not to be complied with, for there is an
 ‘ eternal reason against it, which every member of
 ‘ this house must know ; the people of *England* are
 ‘ not to be loaded with unnecessary charges : If this
 ‘ new charge be unnecessary, it ought not to be com-
 ‘ plied with, and if there be a necessity for it, that
 ‘ necessity ought to be shewn to this house ; the Par-
 ‘ liament has as good a right, to have the reasons
 ‘ for any demand from the crown laid before them,
 ‘ nay, and a better too, in my opinion, than the
 ‘ crown has to expect their compliance, without
 ‘ shewing them any reasons for their so doing ; and
 ‘ therefore, till some reasons be offered for our com-
 ‘ plying with the demand, I shall be for the a-
 ‘ mendment.’

Mr. Onslow's
speech.

Mr. *Speaker*. ‘ I am heartily sorry, Sir, I should
 ‘ differ from the honourable and learned gentleman
 ‘ over the way, with whom I have always, till now,
 ‘ concurred in questions of this nature, and for whom
 ‘ I have the greatest respect and esteem. As I have
 ‘ always been one of those gentlemen who have
 ‘ appeared against keeping up numerous standing
 ‘ armies in times of peace, I think myself obliged
 ‘ to give my reasons, before I give my vote for the
 ‘ augmentation proposed ; for tho’ I never thought
 ‘ that

‘ that we ought to keep up a large standing army in
‘ time of a profound peace, yet when there is a war
‘ actually kindled in *Europe*, when our neighbours
‘ are all making vast military preparations, I must
‘ think that we ought then to add a little to our
‘ forces both by sea and land, not only for our own
‘ security at home, but likewise to add to the influ-
‘ ence which we may have, and ought to aspire to,
‘ with all the parties engaged in the war.

‘ It is certain, Sir, that if there were no parties
‘ nor divisions among us, this nation would have
‘ no occasion to be afraid of ten or twelve thousand
‘ men poured in by surprise upon us ; in such case
‘ I do not believe, that any power in *Europe*, would
‘ attempt to invade us with double the number ; but
‘ as there are parties and divisions among us, and
‘ always will be, as long as we are a free people,
‘ ten or twelve thousand foreigners, joined by all the
‘ power of the disaffected among ourselves, might
‘ do us a great deal of mischief, if not overturn our
‘ present happy establishment, especially if we had
‘ but a small numbers of regular forces at home.

‘ It is likewise certain, Sir, that none of the pow-
‘ ers engaged in the war will attack us, or do any
‘ thing to disoblige us, as long as we remain quiet,
‘ and they are under no apprehensions of our being
‘ about to join with their enemies. But when such
‘ a general war is broke forth in *Europe*, when the
‘ united forces of *France*, *Spain*, and *Sardinia*, are
‘ tearing the Emperor’s dominions in *Italy* asunder,
‘ are we to be altogether unattentive ? Are we to
‘ sit intirely regardless of a war, which may end in
‘ the total overthrow of the balance of power in
‘ *Europe* ? Surely, Sir, we are not ; and if we should
‘ resolve to join either party engaged in the war,
‘ or if either of them should but suspect such a
‘ thing, would not the party against whom we should
‘ resolve to join, or who suspected that we were to
‘ come to such a resolution ; would not that party,
‘ I say,

‘ I say, attempt to make a sudden invasion upon
‘ us ? For tho’ they could not perhaps expect im-
‘ mediate success, yet it might give such a diver-
‘ sion to the arms of this nation, as might prevent
‘ its being in our power to put a stop to their am-
‘ bitious views, or to preserve the balance of power
‘ in *Europe*.

‘ In this case, Sir, it is of no weight to say, that,
‘ after we have come to such a resolution, it will be
‘ time enough to provide for our defence ; for, as I
‘ have said, the apprehensions of our neighbours
‘ may be sufficient cause for them to invade us, and
‘ those apprehensions we can know nothing of, till
‘ we feel the effects of them ; but even as to our
‘ own resolutions, they may happen to be discover-
‘ ed, as soon as taken, and as it requires a long time
‘ to raise any number of land-forces, and to disci-
‘ pline the men, so as to make them fit for service,
‘ it will be too late then to begin only to provide for
‘ our security at home ; we ought before we come
‘ to any such resolution, at least, to be secure at
‘ home ; and then, after it is taken, we may with
‘ ease provide for acting an offensive part.

‘ Upon the whole, Sir, if any very large aug-
‘ mentation had been now demanded, I should not
‘ perhaps have given my vote for complying with
‘ that demand, without having been a little better
‘ informed as to the necessity for making such an
‘ augmentation ; but the augmentation now asked,
‘ is so small, that I look upon it as done chiefly with
‘ a view of shewing the world, that there is a good
‘ harmony subsisting between his Majesty and his
‘ Parliament, which, perhaps, some powers abroad
‘ have been made to doubt of ; and therefore, I shall
‘ not only heartily comply with the demand made
‘ by his Majesty, but I wish that no sort of unwill-
‘ ingness had been shewn by any gentleman in this
‘ house ; for as nothing can give so great a weight to
‘ the counsels of this nation, among foreign princes,

‘ as a strict union between the King and his Par-
 ‘ liament, so nothing can give such a stab to our
 ‘ influence abroad, as an attempt to destroy that
 ‘ union; and if *Great Britain* should lose all the
 ‘ weight it has in the scale of *Europe*, to what a
 ‘ pass it might bring the affairs of *Europe* I shall
 ‘ leave to gentlemen to judge.

‘ In short, Sir, those who oppose an army, as well
 ‘ when it becomes necessary, as when it was unne-
 ‘ cessary, I must suspect of having some other rea-
 ‘ sons for their so doing, than those they publickly
 ‘ avow. To me the necessity of the augmentation
 ‘ asked, appears to be sufficiently evident, and
 ‘ therefore, I am ready to give my vote against the
 ‘ amendment proposed.’

After him *Thomas Wyndham*, Esq; member for
Sudbury in *Suffolk*, spoke against the augmentation.

And then *Sir John St. Aubin*. ‘ I cannot per-
 ‘ suade myself, Sir, to agree to the motion as it now
 ‘ stands, because I have, as yet, heard no reason
 ‘ given for convincing me, that the augmentation
 ‘ now demanded is necessary; for tho’ it be called
 ‘ but a small number, yet to me and to all those
 ‘ gentlemen who were last year of opinion, that the
 ‘ number of land forces then voted, was by much
 ‘ too large, the augmentation must appear to be
 ‘ very considerable, as has been already observed.
 ‘ By the arguments I had formerly heard, for con-
 ‘ tinuing the army, and the arguments I now hear
 ‘ for augmenting the army, it appears plain to me,
 ‘ that some gentlemen are of opinion, that an army
 ‘ of at least 18,000 men, will always be necessary for
 ‘ the support of our government, and consequently,
 ‘ must become a part of our constitution; for when
 ‘ our neighbours are all at peace, we are told, that
 ‘ we must keep up at least that number of regular
 ‘ troops, because our neighbours have nothing to do
 ‘ with

*Sir John
 St. Aubin's
 speech.*

‘ with their troops elsewhere, and may therefore
‘ make a sudden and unexpected invasion upon us ;
‘ and when any two of our neighbours are at war
‘ one with another, which is the present case, we
‘ are told, we must keep up a numerous standing
‘ army, because our neighbours have large armies
‘ in the field, and great fleets at sea, which they
‘ may turn suddenly against us.

‘ I have, Sir, a very good opinion of the *English*
‘ soldiery, and when they have been properly em-
‘ ployed, and kept in action, they have always done
‘ great honour to their country ; but an army kept
‘ here at home, in a state of inaction, and wanton-
‘ ing in lewdness and luxury, till they have quite
‘ lost the true spirit of *Englishmen*, and are become
‘ fit to be made slaves themselves, may easily be
‘ persuaded to make slaves of their fellow-subjects ;
‘ and therefore, I shall always be against keeping
‘ up a numerous regular army within this island,
‘ let the pretences for it be never so plausible : Our
‘ government has been supported for many ages,
‘ without any such army, and even during the
‘ whole course of the last two great wars, there
‘ never was a greater number of forces kept at home
‘ for the defence of this nation, than the additional
‘ number now proposed, above what I, as well as
‘ a great many other gentlemen, thought necessary
‘ last year to be kept up.

‘ Gentlemen talk of parties and divisions among
‘ us, and of its being necessary for us to prepare for
‘ our defence, before we come to any resolution ;
‘ there may, Sir, be little divisions among us, but as
‘ long as his Majesty enjoys the affections of his peo-
‘ ple, those divisions would immediately cease upon
‘ the approach of a foreign enemy, we would then all
‘ unite in the defence of our King and country ; and
‘ as to preparing for our defence, it is certain, that
‘ half the number of the troops we now have, would
‘ be sufficient to repel any small invasion that could
‘ be

‘ be suddenly brought upon us ; and if any design
‘ should be formed to invade us with a great num-
‘ ber of troops, would not they require a great num-
‘ ber of transport ships ? Could such a naval arma-
‘ ment be prepared without our hearing of it ? And
‘ have not we already voted a great naval force, with
‘ which we might easily block up our enemies in
‘ their own harbour ?

‘ While the true maxims of *English* policy are
‘ pursued, neither his Majesty, Sir, nor any of his
‘ successors, will ever have an occasion for standing
‘ armies, the King will always find a security for
‘ his person and government in the hearts and purses
‘ of his people ; but if ever a vicious minister shall
‘ begin to act upon other maxims, armies may then
‘ become necessary to screen the minister, or even
‘ to support his master ; and such a minister may
‘ perhaps find a corrupt Parliament, servilely and
‘ slavishly complying with his most unreasonable de-
‘ mands : This may support him for a while, but
‘ the spirit of the people will be roused at last, and
‘ even that army in which he puts his sole trust,
‘ may probably join with the rest of their country-
‘ men, in taking vengeance of the man who at-
‘ tempted to enslave his country.

‘ This, Sir, I say, may probably be the case ; but
‘ as standing armies may be so modelled and mana-
‘ ged, as to become proper tools for tyrannical pow-
‘ er, therefore there is nothing a free people ought
‘ to be more cautious of ; and as I can see no neces-
‘ sity for the augmentation proposed, I cannot give
‘ my consent to the proposition. I do not, indeed,
‘ know our present situation, but whatever it may
‘ be, I must say, that if, by the ignorance of him
‘ at the helm, if by his shifting the sails at every lit-
‘ tle turn of the wind, our ship be brought into great
‘ distress, and our reckoning quite lost, he ought in
‘ justice and modesty to resign the helm, ——— A
‘ general council ought to be called, and every par-
‘ ticular

‘ ticular circumstance laid fully before them, that
 ‘ they may from thence learn how affairs stand, so
 ‘ as to be able to judge how to put the ship in a
 ‘ right course.’

Question
 put.

Colonel *Cholmondely*, member for *Bosiney* in *Cornwall*, spoke next to the augmentation: And then the question was put upon the amendment, which, upon a division, was carried in the negative, 262 against 162.

Resolutions.

After this the question was put upon the first motion, which was agreed to without a division, and then the two following resolutions were likewise agreed to, *viz.*

That a sum not exceeding 647,429 *l.* 11 *s.* 3 *d.* halfpenny, should be granted to his Majesty, for defraying the charge of the said 17,704 men for guards, garrisons, and other his Majesty's land forces, in *Great Britain*, *Guernsey*, and *Jersey*, for the year 1734. And,

That a sum not exceeding 203,996 *l.* 17 *s.* 3 *d.* halfpenny, should be granted to his Majesty, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Canso*, *Placentia*, and *Gibraltar*, for the year 1734.

By comparing these two resolutions with the two resolutions for the same purposes in the preceding session, it appears, that the additional expence for this year comes exactly to the sum of 35,106 *l.* 5 *s.* and 3 *d.* The sum voted in the preceding session for these two services, being for guards, garrisons, &c. 651,484 *l.* 17 *s.* 1 *d.* halfpenny, and for forces in the plantations, *Gibraltar*, &c. 164,835 *l.* 8 *s.* 1 *d.* halfpenny.

On *Wednesday* the 13th of *February*, the mutiny-bill having been read a second time, and committed to a committee of the whole house, the Lord Visc. *Morpeth* stood up and spoke as follows, *viz.*

‘ Sir

‘ Sir, though an army be, as yet, no part of our
 ‘ constitution, yet we find that the Parliament has,
 ‘ of late years, thought proper to keep a much
 ‘ greater number of forces on foot in this kingdom,
 ‘ than was known in former times. ’Tis true, Sir, I
 ‘ have always been one of those who thought a much
 ‘ less number of regular forces sufficient for the de-
 ‘ fence of this nation, and for the security of our
 ‘ government ; but a majority of both houses of
 ‘ Parliament have been of a contrary opinion, being
 ‘ thereto induced, as I believe, sometimes by plots
 ‘ and treasonable conspiracies at home, and at other
 ‘ times, by the situation of our affairs abroad, and
 ‘ the precarious state in which the affairs of *Europe*
 ‘ happened to be in at the time. This, Sir, has
 ‘ been our unfortunate case, for many years past ;
 ‘ and it is to be feared, that our case for years to
 ‘ come will not be much better ; so that it is proba-
 ‘ ble, that the same number of regular forces, or
 ‘ perhaps a greater number, may be thought neces-
 ‘ sary to be continued from year to year, and there-
 ‘ fore, I think, it is the business of Parliament to
 ‘ put our army under such regulations, as may be
 ‘ thought proper and necessary for the security of
 ‘ our constitution.

‘ It is certain, Sir, that a numerous standing army,
 ‘ intirely under the influence of the crown, or of any
 ‘ one man, has been what has over-turned the liber-
 ‘ ties of most countries, and must always be dan-
 ‘ gerous to this ; and though the Parliament have
 ‘ hitherto thought fit to consent to the keeping up
 ‘ the number we have at present, yet it is well known
 ‘ what fears and apprehensions that measure has cre-
 ‘ ated in the minds of the people, and therefore it
 ‘ is become necessary for us to think of some regu-
 ‘ lation which may quiet the minds of the people,
 ‘ by securing our constitution as much as possible,
 ‘ against the bad consequences usually attending the
 ‘ keeping up of a standing army : This, Sir, may

‘ I think, be effected in a great measure, by making
‘ our army not altogether so dependent upon the
‘ crown as they are at present; for the less depen-
‘ dent the army is upon any one man, the less dan-
‘ gerous they must be to the liberties of their coun-
‘ try; and with this view it is that I shall beg leave
‘ to make a motion, which will, I hope, meet with
‘ a general approbation.

‘ There is one power, Sir, now enjoyed by the
‘ crown, which must always be attended with the
‘ most dangerous consequences; I mean the arbi-
‘ trary power now lodged in the crown, of removing
‘ the officers of the army at pleasure: At present
‘ the crown, or rather the ministers and favourites
‘ of the crown, may remove any officer of the army,
‘ without any reason or cause assigned, nay, even
‘ without so much as accusing him of any crime or
‘ neglect in his military capacity; and this power
‘ must appear to every gentleman to be the more
‘ dangerous, when we consider how many gentle-
‘ men of the army have seats in this house, as well
‘ as in the other house of Parliament.

‘ In all the other countries of *Europe*, which have
‘ any pretences to liberty, though there are perhaps
‘ none of them that enjoy so much freedom as we
‘ do, yet there are, by their laws, some wise pro-
‘ visions made, with respect to their armies. In
‘ *Holland*, no officer can be broke but by the sen-
‘ tence of a court martial; and in *Sweden*, during
‘ the reign of their last King, they were so sensible
‘ of the many inconveniences and great danger of
‘ this absolute power, which their King had over the
‘ army, that upon his demise, they made a law, that
‘ no officer should thereafter be removed from his
‘ commission in the army, without the consent of the
‘ senate.

‘ This must shew what opinion all our neigh-
‘ bours, who have any regard for the liberty of their
‘ country, have of this arbitrary power in the crown;
‘ and,

‘ and, as I hope there are no people upon the earth,
 ‘ who have a greater regard to the liberty of their
 ‘ country than the gentlemen who now hear me, I
 ‘ shall therefore take up no more of your time in
 ‘ opening this affair, but shall take the liberty to
 ‘ move, That leave may be given to bring in a bill
 ‘ for the better securing the constitution, by prevent-
 ‘ ing the officers, not above the rank of colonels of
 ‘ Regiments, of such land forces as shall at any time
 ‘ be allowed by authority of Parliament, from be-
 ‘ ing deprived of their commissions, otherwise than
 ‘ by judgment of a court martial to be held for that
 ‘ purpose, or by address of either house of Parlia-
 ‘ ment.’

Sir John Rushout. ‘ Sir, the noble Lord who has Sir John
Rushout's
speech.
 ‘ been pleased to make you the motion, has opened
 ‘ it to the house in so full and so clear a manner,
 ‘ and has made it appear to me so reasonable, that
 ‘ I cannot help joining with his Lordship in the mo-
 ‘ tion. That a standing army is no part of our con-
 ‘ stitution, will not, I believe, be denied by any
 ‘ gentleman in this house, it being declared so by the
 ‘ mutiny-bill, which we have just now read a second
 ‘ time; but yet our army has been kept up so ma-
 ‘ ny years, and is likely to be kept up for so many
 ‘ years to come, that it is high time to provide some
 ‘ antidote for that evil, which every man so justly
 ‘ apprehends.

‘ By the mutiny-bill, Sir, it appears, that no com-
 ‘ mon soldier can be punished or dismissed, as guilty
 ‘ of a crime, till he be first tried and found guilty
 ‘ by the sentence of a court marshal; and that the
 ‘ officers of the army should be in a worse situation,
 ‘ that they should be liable to be removed, as if
 ‘ guilty, without any crime so much as alledged
 ‘ against them, or any trial or sentence, appears to
 ‘ me so inconsistent, that I am surpris'd some re-

‘gulation in this particular has not been made long ago.

‘The noble Lord who made this motion took notice, that there were, and, I believe, always will be, a great many officers of the army who have seats in Parliament; there are now above forty who have seats in this house; and though I have a great opinion of the honour of all those gentlemen who now have seats in Parliament, and do not doubt but that they will act with as much honour and integrity as any other gentlemen in the house, yet as long as they are liable to be turned out of their commissions at the pleasure of a minister, they may justly suspect, that the continuance of their commissions may depend upon their behaviour in this house, and therefore it must be granted, that they are more liable to a ministerial, or a court dependence, than other members are; for which reason I am sure that they cannot disapprove of a proposition, meant chiefly to set them on the same independent foot that other gentlemen are on, with respect to their behaviour in this house: I cannot, indeed, apprehend, that a proposition in itself so reasonable can meet with any opposition; but if it should, I make no doubt of having the assistance of those gentlemen of the army who have the honour to be members of this house, in the support of a proposition designed for their security, as well as for securing the liberties of their country; I am only afraid lest modesty may make some of them withdraw: This I shall be sorry for; but I hope none of them will shew so much self-denial as to oppose the motion, only because it is for their private interest to agree to it. I shall not, Sir, upon this occasion, give the house any farther trouble; the regulation proposed is so apparently reasonable and necessary, that I do not think it requires much to be said, either to explain
‘ or

‘ or enforce it ; and if any objections should be
 ‘ started, I hope other gentlemen will take care to
 ‘ remove them, therefore I shall only second the
 ‘ motion.’

Thomas Clutterbuck, Esq; member for Lescard in Cornwall. ‘ Sir, notwithstanding what has been said Mr. Clutter-
buck's speech.
 ‘ by the noble Lord who made the motion, and the
 ‘ honourable gentleman who seconded it, I cannot
 ‘ give my concurrence. The noble Lord set out
 ‘ with saying, that a standing army is no part of our
 ‘ constitution : In this I'll agree with him ; a stand-
 ‘ ing army, raised or kept up in time of peace, with-
 ‘ out consent of Parliament, is against law, and even
 ‘ with or without the consent of Parliament, it is
 ‘ certainly no part of our constitution ; God forbid
 ‘ it should ever become so : But it is as certain, that
 ‘ the Parliament may sometimes find it necessary to
 ‘ keep up a standing army from year to year, for
 ‘ the support and defence of our constitution ; and
 ‘ for this purpose it is, Sir, that the Parliament has
 ‘ of late years consented to the keeping up of the
 ‘ army, which some gentlemen in this house have,
 ‘ indeed, thought to consist of too great a number,
 ‘ but I do not remember ever to have heard it so
 ‘ much as insinuated, that we ought not to have
 ‘ any regular forces at all in the country.

‘ The constitution of this country is, Sir, the best
 ‘ I know or ever heard of ; and therefore I shall
 ‘ always think that all that is incumbent upon us, is
 ‘ to preserve and hand it down, as it now is, to
 ‘ those that shall come after us ; but if there were
 ‘ any fault or flaw in our constitution, I am sure
 ‘ the proposition now made to us, would be so far
 ‘ from mending, that it would intirely sap and un-
 ‘ dermine it. It has always been the undoubted
 ‘ prerogative of the crown, to make and remove the
 ‘ officers of the army at pleasure ; this is a part of

‘ our constitution, and to invade the prerogative,
‘ or wantonly to rob the crown of any part of it,
‘ is certainly an invasion of our constitution, which
‘ people ought to be extremely cautious of; for if
‘ we once begin to make alterations or innovations
‘ in our constitution, it is not easy to tell, where
‘ it will end, or how far we may go: If we once
‘ begin, we may be carried such lengths, as may
‘ intirely subvert that constitution which has ren-
‘ dered this nation so rich and so powerful, and
‘ which makes us at present the happiest people
‘ upon earth.

‘ While the army continues, Sir, in its present
‘ condition, while the officers depend upon the
‘ King for their commissions, and the whole army
‘ depends upon Parliament for its continuance and
‘ pay, it is certain that our constitution cannot be
‘ subverted by means of our army, nor can we be in
‘ any danger from any number of regular forces so
‘ kept up; but if this proposition should take place,
‘ it would make the army really dangerous to our
‘ constitution; the army would then become inde-
‘ pendent both of King and Parliament, and might
‘ soon make themselves masters of both. There
‘ are many crimes, Sir, an officer may be guilty of,
‘ which might give good and sufficient reason to his
‘ Majesty to remove him, and yet those crimes may
‘ be such as cannot properly be tried by a court
‘ martial; for example, disaffection: His Majesty
‘ and all mankind may be fully convinced and sa-
‘ tisfied of the disaffection of an officer, tho’ it be
‘ impossible to prove that disaffection to the satis-
‘ faction of a court martial; and yet the disaffec-
‘ tion may be so flagrant, and so ready to break
‘ forth in some treasonable act, that the safety of
‘ the government, the very being of our consti-
‘ tution, may depend upon the immediate remo-
‘ val of that officer; and as this proposition,
‘ should it pass into a law, would make such offi-
‘ cers

‘ cers the more bold and enterprising, the consequences of their disaffection, which could not then be immediately prevented, would be the more to be dreaded.

‘ The noble Lord mentioned to us the case of some of our neighbouring countries, but I must think, that when we see other people more happy or more free than we are ourselves, it is then time enough for us to fly to other countries to seek examples for our imitation : As to the case of *Holland*, I cannot say I have lately considered their constitution, and therefore I speak with uncertainty, but I believe that, as to their army, their Stadtholder has the same power that our King has ; he may, I believe, remove the officers of the army at pleasure ; and for us to take from his Majesty that power which all his royal predecessors have enjoyed, which even the States of *Holland* have trusted their supreme magistrate with, would in my opinion, appear very strange, especially since it must be granted, that his Majesty has never once made an ill use of that power, or done any thing to deserve its being taken from him. In short, Sir, the proposition now before us I take to be a most dangerous innovation, if not a thorough alteration of our constitution, and therefore I cannot consent to it.’

Samuel Sandys, Esq; ‘ I am very much surprised, Sir, to hear the honourable gentleman who spoke last say, that this proposition would sap and undermine our constitution ; for if a standing army be no part of our constitution, as he himself was pleased to admit, how can it be possible that any regulation, with respect to our army, can sap and undermine, or indeed have any thing to do with our constitution ? It is certain, that our army is not, as yet, any part of our constitution ; but if a standing army be continued, for any time to

Mr. Sandys's speech.

‘ come, upon the same footing it is at present, some
‘ future ambitious King, or criminal prime-mini-
‘ ster, may model and manage it so as to make it
‘ not only a part, but, under them, the whole of
‘ our constitution; the officers of the army and
‘ other dependers upon the crown, may at last be-
‘ come so numerous in both houses of Parliament,
‘ that they may come to be almost the only persons
‘ to meet here, in order to make laws and impose
‘ taxes, and then to send their orders to their infe-
‘ rior officers and substitutes, to execute those laws,
‘ and levy those taxes; and all this under the di-
‘ rection of an ambitious prince, or a wicked mini-
‘ ster, who may make a blind submission to the
‘ most arbitrary commands, the only tenure by
‘ which they are to hold their commissions, or even
‘ their seats in Parliament, and in such case I would
‘ gladly know, where we could find the liberties and
‘ privileges of the people of *England*, or any other
‘ constitution, but that of our King, his ministers,
‘ and his army.

‘ The prerogative of the crown, this power, which
‘ our Kings are said always to have enjoyed, and
‘ which gentlemen are so much afraid of the crown’s
‘ being robbed of, is but a very new prerogative;
‘ for a standing army is so far from being a part of
‘ our constitution, that till of late years there never
‘ was any such thing known in this nation: Till the
‘ revolution we never had any such thing as a regu-
‘ lar standing army; the army that was raised at
‘ that time, was raised to defend our liberties and
‘ properties, and to assist a Prince who came to
‘ rescue us from slavery; as soon as the danger was
‘ over, it was always understood, that the army was
‘ to be disbanded, but the two heavy wars we were
‘ successively engaged in, made it necessary to keep
‘ up a standing army, during the reigns of that
‘ prince and his successor; and ever since that time
‘ there have always been, I do not know how,
‘ some

‘ some pretences found to keep up a numerous army, even in times of the most profound peace, so that we seem now to be so firmly saddled with it, that I am afraid few gentlemen in this house will live to see our present army, or any part of them, reduced. Before the revolution, those armies, by which we always so bravely defended ourselves, those armies, which made us a terror to our enemies were armies raised from among the people, upon the approach of danger, and as soon as that danger was over, as soon as peace returned, the army was dismissed, and the soldiers returned to their usual labour and industry ; in those days, it is well known, that our military force did not intirely depend upon our Kings ; the King indeed, had the chief command, but most of the other commanders were such as were chosen by their respective counties, or such as held their commands by their tenures, and could not be removed from that command, without being legally found guilty of a crime, no more than they could have been removed from their freeholds : Therefore, when gentlemen talk of the prerogative of the crown, which they say is to be invaded by this proposition, they must be understood to mean, only that prerogative, which has grown up since the revolution.

‘ It is certain, Sir, that the prerogative of the crown has always been a very growing part of our constitution, and for this reason our ancestors have often been obliged to clip and pair it, otherwise all the liberties and privileges of the people would long ago have been swallowed up by the prerogative ; and I believe it will be granted, that the prerogative, even within these last thirty or forty years, has grown pretty considerably ; I believe every gentleman will admit, that the power of the crown is now infinitely greater than it was
‘ for

‘ for some years after the revolution ; and I wish
‘ that these gentlemen, who now seem so tender of
‘ invading what they call the prerogative, would,
‘ upon other occasions, appear as tender of invading
‘ the liberties of the people ; this, Sir, is what
‘ ought to be the principal care of every member
‘ of this house ; the crown stands in no need of
‘ any advocates here, because, by our constitution,
‘ the crown may put a stop to any incroachment
‘ upon the prerogative, when the incroachment is
‘ such as may not be thought necessary for the pre-
‘ servation of the liberties of the people.

‘ The gentleman talked, Sir, of innovations and
‘ alterations in our constitution, as of something new
‘ and terrible ; I do not know what the gentleman
‘ may mean by innovations and alterations, but I
‘ am sure our constitution has seasonably met with
‘ many amendments : Do not we know, that for-
‘ merly the crown not only named, but could re-
‘ move the judges, at pleasure ; and this arbitrary
‘ power of removing, with respect to the judges,
‘ was formerly a part of the prerogative ; but as
‘ great inconveniences were felt from the use that
‘ had been made of this power, it was taken from
‘ the crown, and the judges, when once named by
‘ the crown, were by law made judges for life ;
‘ this law, when first made, was certainly intended
‘ to make them judges for their own lives ; but even
‘ this part of the prerogative has begun again to
‘ grow ; and those very gentlemen, the judges them-
‘ selves, have been prevailed on, to find out I do
‘ not know what quirks and evasions, whereby they
‘ seem now to have fixed their right for the life of
‘ another person only ; however, even as it stands
‘ now, it must be granted, that the prerogative of
‘ the crown has thereby been diminished, and whe-
‘ ther this was to be called an invasion, an innova-
‘ tion, or an alteration, I do not know, but I am
‘ very sure, it was a very necessary amendment,
‘ which

‘ which has produced no inconvenience, nor any
‘ way injured our constitution; and why doing
‘ the same thing, with respect to the officers of the
‘ army, should give such a terrible alarm to some
‘ gentlemen, as if our constitution was thereby to
‘ be sapped and undermined, I cannot compre-
‘ hend.

‘ I will agree with the honourable gentleman in
‘ this, Sir, that our constitution, to take it in the
‘ general, is as good, if not better than that of any
‘ of our neighbouring countries, yet in some parti-
‘ culars some of them may have the advantage of us,
‘ and in these we ought not to be ashamed to take
‘ example from them, and from thence endeavour
‘ to improve and rectify our own; for political
‘ constitutions, even of the best sort, are like the
‘ constitutions of human bodies, they are apt to
‘ languish and decay, and often stand in need of
‘ restoratives; even our own constitution, good
‘ as it is, wants every now and then to be po-
‘ lished and restored to its primitive lustre, and
‘ particularly that growing part, the prerogative,
‘ ought sometimes to have its cumbersome branches
‘ lopped off, otherwise it may become too heavy
‘ for the principal stock: This is what our an-
‘ cestors have often done, and this is what, I think,
‘ Sir, we may, in the present case, do, without the
‘ least danger.

‘ The honourable gentleman took notice of the
‘ trials by court martials, and said, that there were
‘ many things an officer might be guilty of for
‘ which he ought to be removed, and which, ne-
‘ vertheless, could not be properly tried, or, at least,
‘ not fully proved before a court martial, and he
‘ mentioned particularly the case of disaffection: I
‘ cannot grant, Sir, that this is a case which can
‘ often happen, but allowing that it might, it is fully
‘ provided against by the motion which the noble
‘ Lord hath been pleased to make: Does not the
‘ Par-

‘ Parliament sit every year? And, in case of an
 ‘ officer’s being notoriously disaffected, is it to be
 ‘ doubted, but that the Parliament would ad-
 ‘ dress his Majesty to remove such an officer from
 ‘ all command in the army? And there could be
 ‘ no danger from the delay, because his Majesty
 ‘ could, in the mean time, suspend him, or even
 ‘ lay him under an arrest, if it should be thought
 ‘ necessary.

Colonel
Bladen’s
 speech.

Colonel *Bladen*. ‘ I can by no means, Sir, give
 ‘ my assent to the proposition now before us, as it
 ‘ tends to the taking from the crown a prerogative
 ‘ which, not only by our constitution, belongs to
 ‘ the crown, but has, by express acts of Parliament
 ‘ been declared to be solely in the crown; for a
 ‘ proof of which, I shall only desire the two militia-
 ‘ acts passed in the 13th and 14th years of the
 ‘ reign of King *Charles* the second, to be read:’
 (These acts being read, he proceeded as follows.)
 ‘ Whatever gentlemen may say, Sir, about our an-
 ‘ cient constitution, it appears, by these acts, that
 ‘ the sense of Parliament then was, that the supreme
 ‘ government of the militia, and of all forces by
 ‘ sea and land then was, and ever was the King’s
 ‘ undoubted right; and that the King might, at
 ‘ pleasure, commissionate or displace the officers of
 ‘ the militia; and therefore I must think, that if
 ‘ ever our military force was under any other regu-
 ‘ lation, it was either a regulation which was not ac-
 ‘ cording to our constitution, or it was a regulation
 ‘ which was found to be so inconvenient, that it was
 ‘ very soon altered: Gentlemen may, indeed, say,
 ‘ that these acts concern only the militia, and have
 ‘ no relation to our standing army; but as our mi-
 ‘ litia was found to be of little or no use, after our
 ‘ neighbours began all to keep up regular standing
 ‘ armies, therefore we were obliged to substitute, in
 ‘ the

‘ the place of our militia, a regular standing army,
‘ and, consequently, the same power over that stand-
‘ ing army, and the officers of that army, must be
‘ supposed to be vested, by these acts, in the King,
‘ as he is thereby declared to have had over the
‘ militia, and the officers of the militia; and now
‘ to attempt to take away that prerogative, when
‘ I am sure it cannot be said, that any wrong use
‘ has lately been made of it, appears to me very
‘ extraordinary.

‘ I have heard, Sir, that some gentlemen are so
‘ much out of humour with our present govern-
‘ ment, and so tired of our present happy esta-
‘ blishment, that they would do almost any thing
‘ to get rid of it; they would, for that end, even
‘ agree to the making a thorough change in our
‘ constitution, by forming it into a commonwealth:
‘ I could never, indeed, believe, that there was any
‘ truth in these reports; I could not believe, that
‘ there could be such a madman in this nation:
‘ But should this motion take place, if I could so
‘ much as believe that gentlemen were really serious
‘ in the motion they have made, I would no longer
‘ look upon such reports as chimerical; for I
‘ never heard of any motion made in Parliament,
‘ which tended so directly towards establishing a
‘ commonwealth, as the present does, except some
‘ of those famous motions which were made in the
‘ years forty and forty-one; and I am persuaded, if
‘ this motion should take place, it would produce
‘ the same consequences.

‘ What! to create an army for life, an army in-
‘ dependent of the King, sure gentlemen are not in
‘ earnest, or they must have forgot the confusions,
‘ and the fatal effects which were formerly produ-
‘ ced in this nation by such an army. I thank God,
‘ Sir, I am none of those who are tired of our pre-
‘ sent happy establishment: I think we enjoy our
‘ liberties in their full extent, and I shall never give
‘ my

‘ my consent to a proposition, which would put it
 ‘ out of the King’s power to remove any, even of
 ‘ those officers who are appointed to guard his royal
 ‘ person, without the consent of the other officers :
 ‘ It would be found to be a difficult matter to pre-
 ‘ vail with a court martial to punish or break an
 ‘ officer, perhaps, for a crime which every one of
 ‘ that court martial was himself guilty of. If the
 ‘ gentlemen of the army should once be made to
 ‘ depend only upon one another, they would soon be
 ‘ sensible of their own power, and we do not know
 ‘ what use they might be tempted to make of it.
 ‘ In short, Sir, the proposition, in my opinion, tends
 ‘ to nothing but confusion, and therefore I am hear-
 ‘ tily against it.

Sir Thomas
 Robinson’s
 speech.

Sir *Thomas Robinson.* ‘ Sir, I cannot help ex-
 ‘ pressing my surprise at a proposition of this nature ;
 ‘ for though it has been talked of without-doors, for
 ‘ some time past, yet I never could, ’till yesterday,
 ‘ believe, that it would actually have been introdu-
 ‘ ced here ; because it appears to me to be founded
 ‘ on a supposition, that the same number of forces
 ‘ we now maintain, is for ever to be intailed on
 ‘ our posterity.

‘ Had a proposition of this nature come hither
 ‘ from another quarter, founded upon the perpetuity
 ‘ of the army, it would have been thought highly
 ‘ unreasonable ; and if a regulation, thus founded,
 ‘ should pass this house, it may be made use of here-
 ‘ after, as an argument to continue the army when
 ‘ there is no longer any reason for it, and may be
 ‘ employed as a means to interweave the civil with
 ‘ the military power, and to make a military esta-
 ‘ blishment a part of our constitution.

‘ As this question has been stated, the power of
 ‘ the King, and the liberties of the people, seem to
 ‘ interfere, and therefore ’twill be very difficult to
 ‘ speak in favour of the one, without being liable to
 ‘ be

‘ be represented as having a design to depress the
‘ other; but as the excellency of our constitution
‘ consists in preserving a just temperament between
‘ the King, Lords, and Commons, and the right
‘ ballancing the power allotted to each, we ought
‘ not to attempt to diminish the power of either of
‘ these three, in any instance, unless by the exercise
‘ of power in that particular case it be found, that
‘ that branch of our legislature is armed with a
‘ strength disproportionable to the other two; and
‘ therefore, before we concur in taking away from
‘ the crown the prerogative of displacing officers, it
‘ ought first to be very clearly demonstrated, that
‘ the influence the King has at present over the
‘ army, is greater than is necessary for the security
‘ of his person and government, or greater than is
‘ consistent with the liberties of the people, and
‘ this, Sir, I take to be the very point in question.

‘ The very point now in debate seems to be,
‘ whether the lopping off so great a branch of pre-
‘ rogative from the crown, and transferring it to the
‘ army, will not disarm the crown of a power ne-
‘ cessary to keep the army firm and steady to our
‘ present establishment; and whether by trusting it
‘ in the hands of the soldiers, we may not throw a
‘ greater degree of independent strength into the ar-
‘ my itself, than it ought to have, a much greater
‘ than has hitherto been thought either fit or prudent
‘ to entrust it with.

‘ Upon this occasion, I cannot help reminding
‘ gentlemen, what fatal consequences attended that
‘ law made in the year 1641, whereby it was put
‘ out of the power of the King to dissolve or prorogue
‘ the Parliament without their own consent; if break-
‘ ing the balance of any of the three powers in the
‘ legislature, if the two houses of Parliament assuming
‘ to themselves an independency not lawfully invest-
‘ ed in them by our constitution, was attended with
‘ so many evils, what may we not dread, should we

‘ see the officers of an army not removable, but
‘ by their own consent? The history of the last cen-
‘ tury fully shews us, what various scenes of confu-
‘ sion succeeded the fatal statute I have just men-
‘ tioned, and every one’s thoughts may suggest to
‘ him, what must be the natural consequence of this,
‘ should it succeed.

‘ If gentlemen will only recollect a little the *Ro-*
‘ *man* history, they will find, that whenever mili-
‘ tary governments of provinces were given for life,
‘ or for a certain term of years only, or even when
‘ the army got the privilege of choosng their own
‘ officers, the sovereign power came soon after to be
‘ lodged in the army itself, and proved fatal to those
‘ very persons who had acquiesced under these ill-
‘ judged concessions; and I am afraid, if a power
‘ should be given our army, that no officer shall be
‘ put out, but by the judgment and consent of the
‘ other officers, the next natural step for them to
‘ take, will be, that none shall be put in or preferred,
‘ who have not their recommendation; for armies are
‘ of such a nature, that they either must obey, or
‘ will soon command. Numberless examples might
‘ be produced in support of what I have said, both
‘ from ancient and modern history. But I shall not
‘ now enumerate particulars, with which many o-
‘ ther gentlemen may be better acquainted than I am.

‘ And that this has been the received opinion of
‘ our ancestors, since monarchy was known in this
‘ island, becomes evident by reflecting, that in all
‘ the struggles they had with the crown for liberty;
‘ nay, even at the time of the late revolution, when
‘ every thing was thought of by the patriots of those
‘ days, for lessening the royal prerogative, so far as
‘ was judged necessary for, or consistent with the
‘ preservation of our constitution, I do not remem-
‘ ber to have read or heard, that there was ever a
‘ mention made of any project of this nature; and
‘ it is most certain, that if such a project had been
‘ in

‘ in force 50 years ago, our business in this house
‘ would now have been rather to have registered the
‘ edicts prescribed to us by the army, than to have
‘ debated any thing that might affect a body of men
‘ made so formidable by their independency.

‘ ‘ I would ask the gentlemen, who are for this
‘ proposition, one plain question, Whether it be not
‘ absolutely necessary, that either the military power
‘ must be dependent on the civil power, or the civil
‘ upon the military? If from the nature of things
‘ one be necessary, the option cannot be difficult to
‘ make. Surely, gentlemen upon this occasion, do
‘ not recollect the fate of their predecessors in the
‘ middle of the last century, when the Parliament,
‘ by granting such concessions to the army, made
‘ the army soon hold them in contempt, who had
‘ thus made the military power independent of the
‘ civil magistrate: I say, I must take it for granted,
‘ that this part of our history is intirely forgot, when
‘ I see a question moved in this house, tending to
‘ give the army that independency of the state, which
‘ has formerly made, and in process of time, must
‘ again make Parliaments useless; for I look upon
‘ mankind in general, as pretty near upon a level
‘ in all ages, very strong temptations will too often
‘ get the better of the very best intentions, and like
‘ causes will always produce like effects.

‘ In my opinion, Sir, the great danger to be guard-
‘ ed against in all armies is, any step that tends to
‘ raise them to a state of independency, and there-
‘ fore by the wisdom of the legislature, our army is
‘ so wisely constituted, as not only to be dependent
‘ on the annual votes of this house, for its subsistence
‘ and continuance, but also as to the number it shall
‘ consist of; then as to the nomination of the offi-
‘ cers, it has always been lodged in the crown, as it
‘ is highly proper it should; they have always been
‘ left dependent on the King, whose person they are

‘ obliged to defend, whose government they are intended to support.

‘ Thus is our army necessarily dependent in a double capacity, the whole is dependent on this house for its very existence, which may be put an end to, whenever any danger comes to be apprehended from it ; but the officers, while the army exists, are to depend on the King for their commissions, otherwise how could he depend on their fidelity or behaviour, should they be called forth to action ; for an officer may be guilty of several crimes which cannot be properly laid before a court martial, particularly disaffection, of which, tho’ there be proof sufficient to make it indisputable, yet the proof may be of such a nature, as not to be proper to be laid before a court martial, or perhaps cannot be laid in such a manner, as to make it have its just weight with officers sitting in judgment on one of their own fraternity.

‘ Tho’, therefore, in this respect, our army, as it receives its annual support and existence from the Parliament, may be called a state army (a denomination an honourable gentleman has much insisted on) yet, I think, the conclusions he has drawn from thence are very ill grounded ; for a state army, as such, does not in the least imply a necessity of the officers holding their employments for life ; on the contrary, it seems necessary in all armies, they should be subordinate to some other power, that they may not defeat the purpose for which they are maintained ; for if they should be thus made dependent only on themselves, and independent of the three other powers of the legislature, it will, in my opinion, be laying the foundation of a fourth power, a military one, which may, in process of time, render useless the other three.

‘ This leads me to consider, in whom the advocates for this question propose to lodge this power, this important branch of the prerogative, which is to be lopped off from the crown, if this military scheme succeeds: As the prerogative of the crown is to be diminished, one would naturally imagine the power of the people was intended to be increased; but this, Sir, is not to be the case, it is to be transferred from the crown, not to the people, but to the army, and lodged solely with the officers themselves, who from that moment, will be independent of the crown, and in time perhaps of all other authority; for one of the great restraints upon the army, is this very prerogative, which the King has of displacing officers, who may be suspected of bad intentions: Give this privilege to the officers themselves only, and what security shall we then have for their future behaviour: In short, we shall then have raised a power, in support of the present establishment, without having provided a security against its attempting to overturn that very establishment; for thus, by removing this necessary check upon the army, a distant time may come, when the nation, with reason, may be jealous of an army, in whose hands we shall have put a power, sufficient to enable them to get the better both of King and Parliament, and to set up a new constitution of their own; whereas, while the army continues in the state it is at present, there is little danger to be apprehended from it, even should it have the rashness to attempt any thing against either.

‘ It has been urged by an honourable gentleman under the gallery, that, as the judges hold their employments for life, we ought to convey the same privileges to the officers of the army: In my opinion, this is reasoning upon a very wrong foundation, for, I think, no just parallel can be drawn betwixt civil and military officers in general, but

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certainly

‘ certainly there is the widest difference between
‘ those who act in a judicial, and those who act in a
‘ military capacity ; for the same state of indepen-
‘ dence, necessary to leave the judge unbiassed in
‘ pronouncing judgment, would tend to disengage
‘ the soldier from that interest, to which he ought
‘ solely, and in contradistinction to all others, to
‘ be thoroughly attached : A judge should be left
‘ free and unbiassed, that he may speak what the
‘ law speaks, and distribute justice impartially to
‘ all parties ; but the very nature of the army re-
‘ quires the strictest subordination in the officers,
‘ without which there can be no discipline ; the sol-
‘ dier must be dependent, and must act in subjection
‘ to the lawful commands of those, by whom he is
‘ maintained ; nor can any qualification make a-
‘ mends for his failure in this particular.

‘ There is besides a particular circumstance, which
‘ makes it impossible to draw any just parallel be-
‘ tween the judges and the officers of the army ;
‘ the judges not only determine between subject and
‘ subject, but they are likewise to determine be-
‘ tween the crown and the people ; if any question
‘ arises between the King and a subject, they are to
‘ determine the point in dispute, and therefore it is
‘ necessary, that they should be made as indepen-
‘ dent as possible upon either of the parties ; but no
‘ such power was ever yet lodged in the officers of
‘ the army, and it is to be hoped never will ; for
‘ tho’ I have so great an opinion of the gentlemen
‘ who are at present in the service, that I think
‘ any power may be safely lodged in their hands,
‘ yet, I believe, they neither desire such a power,
‘ nor would they consent to the giving of any such
‘ to their successors.

‘ But, Sir, the proposition now made to us would
‘ render the officers of the army still more indepen-
‘ dent, both upon our King and government, than
‘ the judges are at present : If a judge be guilty of
‘ any

‘ any crime, or of any neglect of duty in the exe-
‘ cution of his office, he is not to be tried by the
‘ other judges only, he is to be tried by a jury, he is
‘ to have an open and a fair trial in *Westminster-hall*,
‘ as the rest of his fellow subjects have ; and if it
‘ were otherwise, if a judge for any misbehaviour,
‘ were to be tried in a private way by his brother
‘ judges only, I should think both our lives, liber-
‘ ties and properties, in greater danger from them,
‘ under such a regulation, than if they were still de-
‘ pendent on the crown for the continuance of their
‘ commissions ; and it must be granted, that this
‘ last would be the case of the officers of the army,
‘ if this proposition should take place ; for they could
‘ be tried by none, they could be punished by none
‘ but themselves, and consequently, they would have
‘ no dependence but upon one another ; and without
‘ any derogation to the characters of those who are
‘ now so worthily at the head of the law, or to those
‘ who command in the army, I believe every per-
‘ son will allow, that the fear of punishment, and
‘ the hopes of reward, are equally necessary to keep
‘ most men to their duty, and of course to make
‘ them useful to society.

‘ As another reason in support of this proposition,
‘ an honourable gentleman has recommended the
‘ wisdom of the *Swedes* to our imitation, who, he
‘ says, have introduced this very regulation in their
‘ army ; but give me leave to observe, Sir, in an-
‘ swer to this, it is so very late a practice among
‘ them, that they cannot yet be proper judges, how
‘ far it will answer the purpose for which it was in-
‘ troduced.

‘ To be sure, Sir, it is very commendable in those
‘ who have spoke for this question ; nay, it is the
‘ duty every man owes his country, to observe the
‘ methods of government used in other states, and
‘ adopt that which is founded on wisdom and true
‘ policy into our own ; but in all attempts of this

‘ kind, a strict regard is to be had to the particular
‘ turn of our own constitution ; for what may be a
‘ necessary step in one state, may prove to be the
‘ destruction of another ; and therefore, most certain-
‘ ly, the bare example of the *Swedes* ought not to
‘ influence us to take so extraordinary a resolution,
‘ unless the nature of our own constitution would
‘ justify it : If gentlemen reason only from the ex-
‘ ample of the *Swedes*, they may with the same ju-
‘ stice plead for a farther introduction of their laws ;
‘ and as all foreign affairs are transacted by their
‘ senate, they may on the same account expect, that
‘ the management of all our foreign negotiations
‘ ought to be submitted solely to the direction of
‘ this house ; they may likewise pretend to trans-
‘ plant other customs prevalent in the senate of *Swede-*
‘ *den*, into our Parliament, which would quite alter
‘ the present form of our constitution, and introduce
‘ a new species of government into this kingdom ;
‘ for it is certain, that a King of *Sweden* has now
‘ hardly the power of a stadtholder of *Holland* ;
‘ especially with respect to the officers of the army ;
‘ none of whom he can even create or promote, with-
‘ out the consent of the senate ; their government
‘ at present is indeed little more than a common-
‘ wealth, so that few things can be drawn from
‘ their practice as an example fit for us to follow.

‘ Before I conclude, Sir, give me leave to remind
‘ gentlemen, that our histories sufficiently teach us
‘ this truth, that our liberties and constitution are
‘ never in greater danger than when any one of
‘ the branches of our legislature grasps at any power
‘ or authority, which hath, by the wisdom of our
‘ ancestors, been appropriated to another ; and there-
‘ fore, most certainly, an unwarrantable attack upon
‘ the prerogative of the crown, which may, indeed,
‘ be intended to extend the liberties of the people,
‘ is in reality, the readiest way to bring them into
‘ danger. I believe every impartial person will
‘ acknow-

‘ acknowledge, that in our present happy situation,
‘ we of this nation enjoy as much liberty as is con-
‘ sistent with that subjection, which is necessary for
‘ the support of all governments; and the surest way
‘ to continue this particular blessing to ourselves, and
‘ to perpetuate it to our posterity, is to rest satisfied
‘ with what we enjoy, and not to hazard what we
‘ already have, by aiming to extend the liberties of
‘ the people to a degree, perhaps we ourselves may
‘ be the first persons shall be sensible of the incon-
‘ venience of: All experiments therefore of reform-
‘ ing the constitution, must be hazardous, unless
‘ where the event is clear and undisputed: Tamper-
‘ ing with the laws, where our liberties are concern-
‘ ed, hath often proved of dangerous consequence;
‘ and whenever we come to new modelling the con-
‘ stitution in any essential point, unless where an
‘ apparent necessity requires it, it is impossible to
‘ tell how far the spirit of reformation will proceed.

‘ I beg pardon for taking up so much of your
‘ time: As I once had the honour to be in the ser-
‘ vice, and under a gentleman whose good nature
‘ and affability, must ever demand the regard and
‘ esteem of all that know him, and who is as little
‘ desirous of grasping at an unreasonable power, as
‘ he is capable of misapplying that he is already
‘ trusted with, I flatter myself, that during the time
‘ I was under his command, I learnt a little what
‘ the nature of an army is, and had I still been in
‘ the service, so far from retiring upon this question,
‘ as has been recommended to those now in the ser-
‘ vice, if gentlemen should divide upon it, which I
‘ shall not believe they intend doing, till I see it
‘ done, I say, had I still been in the service, I
‘ should have been equally strenuous against the
‘ question, as it has always been my opinion, that
‘ the surest way to depend on any set of men for act-
‘ ing right, is not to give them an unnecessary power
‘ or temptation of doing wrong.

‘ For these reasons I think myself obliged to
 ‘ use my endeavours, that neither this, nor any
 ‘ other proposition of the like nature, however
 ‘ popular they may at this, or any other time ap-
 ‘ pear, shall ever meet with encouragement from
 ‘ this house.’

Mr. Win-
 nington's
 speech.

Thomas Winnington, Esq; ‘ I cannot, Sir, let
 ‘ this question go, without declaring my abhorrence
 ‘ to the motion that has been made to us: I really
 ‘ think it is the most monstrous motion I ever heard
 ‘ made since I had the honour to sit in Parliament.
 ‘ Gentlemen say, Sir, an army is no part of our
 ‘ constitution; but if the proposition they have
 ‘ made should take place, the whole of our consti-
 ‘ tution would soon be at the mercy of our army.
 ‘ At present, Sir, the officers of the army depend
 ‘ upon the King for their commissions, and the ar-
 ‘ my itself depends upon Parliament for its continu-
 ‘ ance, and for its pay; but if you should once make
 ‘ the officers of the army independent of the crown,
 ‘ if you should once give them a sort of freehold in
 ‘ their commissions, they would soon make both
 ‘ King and Parliament depend upon them. If both
 ‘ King and Parliament should join in opinion, and
 ‘ think it proper to make a reduction of any part of
 ‘ your army, do you imagine that those gentlemen,
 ‘ with their swords in their hands, would quietly lay
 ‘ them down, and retire to their respective homes
 ‘ at our desire? No, Sir, they would then tell you,
 ‘ our commissions are for life, they are our freehold,
 ‘ a law of your own making has made them so, and
 ‘ you shall not take them from us, unless we have
 ‘ been guilty of a crime; if we have done any wrong
 ‘ let a court martial be called, let us be tried in that
 ‘ way which is by law prescribed, and if we be found
 ‘ guilty, we'll submit. This, Sir, we may reason-
 ‘ ably suppose, would be the language of those you
 ‘ had a mind to reduce; and in such a case gentle-
 ‘ men

men may easily guess what redress the nation could expect from a court martial.

‘ The liberties of *Rome*, Sir, were never destroyed till their army was made an army for life; and even this country lost its liberty by an army: As soon as an army was raised and made independent of the sovereign power, they overturned the whole of our constitution, they pulled a predecessor of yours out of the chair, and kicked the members out of doors; and shall we, Sir, establish such another army? The proposition is surprising. I would rather lie under any imputation, than that of having made such a one to this house: I am sure it is very far from appearing to the noble Lord who made it, in the same light it does to me: I have, I think, a just opinion of it; but if he had judged so, I am very well convinced he would never have offered it to this house. However, since the proposition has been made, and as every gentleman is at liberty to treat any proposition according to that light in which it appears to him, I must say, that I look upon the motion as monstrous, absurd and slavish, and therefore I am heartily against it, If I have spoke with too much warmth, I beg pardon, Sir: I hope it will be ascribed to my zeal for our constitution, and the present happy establishment, and not to any want of respect for the gentlemen who seem to favour a proposition, which appears to me in a light so very different from that in which, I believe, it appears to them.’

Sir *John Bruce Hope*, member for *Kinross, &c.* in *Scotland*. ‘ The honourable gentleman over the way, I must say, Sir, has spoke with a great deal of more warmth than decency, and has treated the soldiery, both ancient and modern, in a manner which I think both scandalous and unjust. The gentleman spoke of the *Roman* liberty, and pretended

Sir *John Bruce Hope's* speech.

' tended, that the loss of it was owing to their ar-
 ' my's being made an army for life ; I can remem-
 ' ber nothing, Sir, of an army for life at *Rome* ; I
 ' do not remember that they had ever any such re-
 ' gulations in their armies, even as this now propo-
 ' sed, which is very far from establishing an army
 ' for life : On the contrary, if they had had any
 ' such regulation, I believe it would not have been
 ' in the power of their Generals or Emperors, to
 ' have modelled and garbled their armies, so as to
 ' make them serve those vile purposes which they
 ' were made to serve ; and if the gentleman will
 ' please to read over the *Roman* history with atten-
 ' tion, he will find, that the loss of the *Roman* li-
 ' berty was, at first, more owing to bribery and
 ' corruption in their elections, and in their senate,
 ' than to their army : It was by this bribery and
 ' corruption that all public virtue was destroyed in
 ' that country ; and when the virtue of the army,
 ' as well as the people, was destroyed, it became an
 ' easy matter to make tools of both, for the support
 ' of arbitrary power.

' I have had the honour to serve in our own ar-
 ' my, I have likewise, Sir, served in foreign ar-
 ' mies, and I think I know a little of the nature of
 ' both : From thence it is that I judge, that no ar-
 ' my will allow themselves to be turned against the
 ' liberties of their country, unless it be left in the
 ' power of some ambitious man to model them, so
 ' as to make them fit for their own wicked purposes :
 ' It was this that made our army, in the last centu-
 ' ry, turn against the Parliament which had raised
 ' them, and the army will always be dangerous, as
 ' long as any such power is lodged in any one man.
 ' I have the honour, Sir, to be acquainted with ma-
 ' ny of the general officers, as well as other officers
 ' in our own army at present. I know their worth
 ' and their merit, and I shall never fear any thing
 ' from an army under their command and direction ;
 ' but

‘ but if what has been once attempted should ever
 ‘ be attempted again, if our army should be gar-
 ‘ bled, the gentlemen who are now in command
 ‘ turned out, and fellows of mean birth, or perhaps
 ‘ foreign officers, put into their places, we would
 ‘ have every thing to fear from such an army, even
 ‘ tho’ the generality of the common soldiers should
 ‘ continue to be made up of our own countrymen :
 ‘ And upon this occasion I cannot but take notice,
 ‘ Sir, of what I read t’other day in a very judicious
 ‘ anothor, who upon this very subject says, that any
 ‘ minister who advises the King to dismiss a good
 ‘ officer, who has long and faithfully served his
 ‘ King and country, is guilty of the greatest and
 ‘ blackest act of treason against his Prince ; and
 ‘ therefore, Sir, to prevent as much as possible the
 ‘ committing of any such treason in time to come,
 ‘ I shall be for agreeing to the proposition now be-
 ‘ fore us.’

Hugh Williams, member for *Anglesea*, spoke next
 against the motion ; and after him,

General *Wade*. ‘ The gentlemen of the army
 ‘ are certainly very much obliged to the noble Lord General
Wade's
speech.
 ‘ who made this proposition, and I doubt not but
 ‘ every one of us would be for it, if we thought it
 ‘ were consistent with the good of our country ; for
 ‘ as it is natural for all men to desire to be indepen-
 ‘ dent, it is not to be doubted, but that the officers
 ‘ of the army desire it as much as any other set of
 ‘ men ; but whether it may not be of dangerous
 ‘ consequence to make so great an alteration in our
 ‘ constitution, is what principally weighs with me ;
 ‘ and for my own part, I shall always give up any
 ‘ private advantage I may expect, rather than agree
 ‘ to any measure which may in the least endanger
 ‘ or hurt the constitution, or the public interest of
 ‘ my country.

‘ Since

‘ Since I have had the honour, Sir, to sit in this
‘ house, I can say, that I have always acted with
‘ the same freedom, as if I had had no commission,
‘ nor any concern in the army ; and though I have
‘ generally joined in opinion with those who were
‘ in the administration, yet I have likewise, upon
‘ many occasions, differed from them. I remember,
‘ that when the famous *South-Sea* scheme was in
‘ agitation in this house, though it was brought in
‘ by a minister, and strongly supported by those
‘ who were then at the head of the administration,
‘ yet I had the honour to be one of the 55 who di-
‘ vided against it. It is true, Sir, I had upon that
‘ occasion messages sent to me, and was threatened
‘ to be stripped of all my military employments ;
‘ but those threats had no weight with me, nor shall
‘ such threats ever have any weight with me, in any
‘ case where they come in competition with my
‘ duty as a member of this house, with my duty as
‘ an officer of the army, or with my duty as a sub-
‘ ject of *Great Britain* ; and I hope that this is the
‘ resolution of every man, who has the honour to
‘ bear a commission in the army.

‘ Gentlemen talk of courts martial, and of his
‘ Majesty’s having the power to name the officers
‘ who are to be upon them : His Majesty has, in-
‘ deed, the power of granting warrants for the hold-
‘ ing of courts martial, as often and in such places
‘ as he shall please to appoint ; I have myself a war-
‘ rant from his Majesty for holding courts martial
‘ in *North Britain*, where I have the honour at pre-
‘ sent to command ; but I never did, nor does his
‘ Majesty ever name the officers who are to be upon
‘ such courts martial ; that service being performed
‘ by a roll, as other parts of duty are, and I have
‘ often very great difficulty to get a sufficient num-
‘ ber of officers for holding those courts martial ; for
‘ sometimes six or seven captains, besides subalterns,
‘ will be absent at one time ; and it is hardly possi-
‘ ble

‘ ble now, in time of peace, to get them to attend
 ‘ their duty, notwithstanding the great power the
 ‘ crown has over them : Since then they are at pre-
 ‘ sent so negligent of their duty, would they not be
 ‘ much more so, if they could not be dismissed for
 ‘ neglect of duty, but by a sentence of a court-
 ‘ martial : If any of those officers should be brought
 ‘ to be tried for neglect of duty, or any other such
 ‘ crime, by a court martial, the majority of which
 ‘ might perhaps consist of officers, who had them-
 ‘ selves been guilty of the same fault, can gentle-
 ‘ men imagine that in such a case any officer would
 ‘ be broke, or any way punished by a sentence of
 ‘ that court martial ?

‘ In short, Sir, the discipline of our army is al-
 ‘ ready in a very bad way, and I am afraid, if this
 ‘ proposition should take place, it would be intirely
 ‘ destroyed ; for if this proposition should pass into
 ‘ a law, it would not only take away all depen-
 ‘ dency upon the crown, but it would destroy that
 ‘ subordination of inferior officers to their superi-
 ‘ ors, which is absolutely necessary to be strictly
 ‘ kept up, in all armies ; and without which an
 ‘ army would soon become an unruly mob, instead
 ‘ of being a regular and a well-disciplined army ;
 ‘ therefore, Sir, I cannot but be against the propo-
 ‘ sition.’

Giles Earle, Esq; ‘ As this proposition must cer-
 ‘ tainly tend to the establishing an army with too
 ‘ great and too independent a power in itself, I must
 ‘ think it extremely improper ; and I must think
 ‘ that the honourable gentleman who spoke last, has
 ‘ very well and very justly observed, that it would
 ‘ destroy all discipline in the army, and would, I
 ‘ believe, introduce a general licentiousness among
 ‘ the officers ; for there are many irregularities an
 ‘ officer may be guilty of, which could not well be
 ‘ brought before a court martial ; and if they were,
 ‘ the

*Mr. Earle's
 speech.*

‘ the irregularity might be so general, that it would
‘ be hard to get such a court martial as would pu-
‘ nish the officer, for a crime which perhaps every
‘ one of themselves might be guilty of.

‘ It is well known how many complaints there
‘ are already, both against officers and soldiers, for
‘ irregularities committed in their quarters ; even
‘ with all the power which his Majesty now has over
‘ the army ; it is very hard for those to whom he in-
‘ trusts the chief care and management of his army,
‘ to keep the officers and soldiers to their duty, and
‘ to prevent their being now and then guilty of some
‘ little acts of oppression in their quarters ; but if
‘ the proposition now made should pass into a law,
‘ it would render the quartering of soldiers most
‘ grievous to the people ; one officer would say, I
‘ have made my quarters good, as they call it, ano-
‘ ther would do the same ; this would encourage a
‘ third, a fourth, and so on, till the practice be-
‘ came general ; and if they were to be tried and
‘ punished for this, only by a court martial, can
‘ gentlemen imagine, that they would not acquit
‘ one another ?

‘ ’Tis true, Sir, officers may be removed, officers
‘ have been removed without being guilty of any
‘ crime ; I was myself once removed, when I am
‘ sure they could not lay any crime to my charge ;
‘ I was then sorry for it, but I was not for carrying
‘ my resentment so far, as on that account to turn
‘ every thing topsy-turvey ; yet there was at that
‘ time more ground for such a proposition than there
‘ is at present ; there has lately been no garbling or
‘ removing of any considerable number of officers,
‘ and therefore I cannot find out what could give
‘ occasion for this motion at this time. Was not
‘ the great Duke of *Marlborough*, in the midst of
‘ his glorious success, removed from all command
‘ in the army ? I believe no man will accuse him of
‘ having ever been guilty of a crime, or even of a
‘ neglect

‘ neglect of duty : Was not the man who was put
 ‘ in this place justly suspected of having designs a-
 ‘ gainst the present happy establishment ? Nay, so
 ‘ justly was he suspected, that when the late King
 ‘ came over, he durst not stand his trial, but took
 ‘ guilt upon himself, and fled from the justice of
 ‘ the nation ? Yet upon that occasion there was no
 ‘ such proposition as this made in Parliament.

‘ I cannot, with the hon. gentleman who spoke
 ‘ last, think, that the officers of the army are much
 ‘ obliged to those gentlemen who appear in favour
 ‘ of this proposition ; on the contrary, I think, that
 ‘ it is entertaining a very bad opinion at least of
 ‘ those officers, who have the honour of sitting in
 ‘ this house, to imagine that they do not act with
 ‘ the same integrity and freedom that other gentle-
 ‘ men do ; I am sure I should not think, that any
 ‘ man entertained a good opinion of me, if he
 ‘ thought that I could be induced, either by threats
 ‘ or rewards, to act contrary to my duty in this
 ‘ house.

‘ There is not the least ground, Sir, for suspect-
 ‘ ing any such thing of any gentleman of the army
 ‘ who sits in this house, and therefore I am not only
 ‘ against the motion, but I hope that it will be treat-
 ‘ ed in such a manner, as may prevent its being ever
 ‘ renewed in this house.’

William Pulteney, Esq; ‘ I cannot but observe,^{Mr. Pulteney's speech.}
 ‘ Sir, the unhandsome manner in which some gen-
 ‘ tlemen have treated the motion now in your hand,
 ‘ and the hard names they have given it, such as
 ‘ monstrous, absurd, slavish, and the like ; I am
 ‘ sure, Sir, neither the noble Lord who made the
 ‘ motion, nor any of those gentlemen who have
 ‘ spoken in support of it, can from their conduct in
 ‘ this house, or in any other part of life, from the
 ‘ families they are come of, or the large properties
 ‘ they possess, be the least suspected of entertaining
 ‘ any

‘ any notions of slavery, or of making any motion
‘ in this house, for destroying any part, far less for
‘ undermining the whole, of our constitution : I will
‘ avoid retorting those names, or saying any thing
‘ that may give offence, though I am sure I may do
‘ it with far more justice upon those gentlemen,
‘ who have taken that liberty with others.

‘ The hon. gentleman behind me, spoke of officers making their quarters good, which is a military term I really do not understand ; but I suppose it is doing something they ought not to do, and yet something, as that gentleman seemed to insinuate, which they are so apt to do, that there is no preventing it without keeping them in a slavish sort of dependency : He told us, that he was himself once removed, and that he was very sorry for it ; he was, ’tis true, once removed, and that he was sorry for it, is, I believe, what no body will doubt of ; but I hope it was not for making his quarters good ; for though the gentleman likes good quarters, and knows as well when he is in such as any man, yet I am convinced, that he is incapable of doing any thing wrong, either for obtaining quarters, or for making them good : He likewise told us of the Duke of *Marlborough’s* having been removed ; I believe no man will say it was a right step to remove that great general, but it has no relation to the question now before us ; because, if I understood the noble Lord’s motion right, the power of removing generals from their command as generals in the army, is to remain in the crown, as much unlimited as ever it was before ; and it must be granted, that the removal of that great man, and the many other removals that followed, if they have any relation to the present question, are strong arguments in its favour ; for I believe, every man who wished well to the constitution, would have wished that such a law had been in being at that time ; and indeed all the
‘ other

‘ other arguments I have heard against the propo-
‘ sition, if I may be allowed to call them so, are
‘ much stronger arguments for it than they are
‘ against it.

‘ Gentlemen talk, Sir, of invading the preroga-
‘ tive, as if it were a most heinous thing, to lessen,
‘ in any respect, what they call the prerogative; but
‘ this has been already answered by a worthy gentle-
‘ man over the way; he justly said, that the prero-
‘ gative has been growing ever since the revolution,
‘ and it is certain that it is daily gaining ground both
‘ in this house and the other. The power of the
‘ crown is what every member of this house, as well
‘ as the other, ought always to be jealous of; for
‘ what by creations and translations, it may, at last,
‘ grow so great as intirely to overturn that balance
‘ upon which our constitution depends: And it is
‘ well known, that the prerogative now in dispute,
‘ is a prerogative of a very short standing; even the
‘ prerogative as to the militia, mentioned by an
‘ honourable gentleman some time ago, has been
‘ assumed but of late years; and tho’ the power of the
‘ King, as to the militia, be very fully and very ex-
‘ plicitly declared in the two acts that gentleman was
‘ pleased to read to us, yet I hope, that neither he
‘ nor his friends will recommend all the proceedings
‘ of the Parliament, in which those acts were passed,
‘ as proper patterns for us to imitate, nor will he
‘ desire, that we should now approve of every thing
‘ that was done at that time in Parliament: Besides,
‘ Sir, there is a very great difference between the
‘ officers of a standing army, and those of the mi-
‘ litia; the first is both an honourable and a bene-
‘ ficial employment, the last is become of late years
‘ not very honourable, and I am sure it cannot by
‘ law be made a beneficial employment; so that the
‘ arbitrary disposal of commissions in the army, may
‘ be of much more fatal consequence to our consti-
‘ tution,

tution, than the arbitrary disposal of commissions in the militia.

‘ Gentlemen, Sir, have asked us, Will you make
‘ the officers of the army independent? Will you
‘ give them their commissions in the nature of a
‘ freehold? No, Sir, by the proposition now made
‘ to us, they are to depend upon King and Parlia-
‘ ment, as much as ever they did before upon the
‘ King singly: His Majesty is still to have the power
‘ of preferring them intirely lodged in him; and his
‘ Majesty, with the assistance of either house of Par-
‘ liament, is still to have the power of removing
‘ any one, or any number of them, without any rea-
‘ son or cause assigned: This is very far from making
‘ them independent: But suppose they were to be
‘ made independent both of King and Parliament;
‘ has the Parliament and people, supported by the
‘ King, more to dread from such an army, than
‘ the Parliament and people have to dread from an
‘ ambitious King, supported by an army which, by
‘ this power of removing and preferring, he has
‘ made intirely dependent upon himself alone: An
‘ officer who depends upon nothing but the laws of
‘ his country, is engaged in interest, as well as
‘ honour, to support those laws, as the tenure by
‘ which he holds his commission; but an officer
‘ who depends intirely upon the absolute will of one
‘ man, be he King, or be he chief general, is a te-
‘ nant at will, and is in interest, at least, engaged to
‘ submit to the will of his Lord, in every thing: It
‘ was this that made the army so pernicious about the
‘ middle of the last century; they had become in-
‘ tirely dependent upon their general, and then their
‘ general made what use of them he had a mind;
‘ and it was a neglect of this maxim which saved
‘ our constitution towards the end of the same cen-
‘ tury, because our King then began to break
‘ through the constitution, before he had taken care
‘ to make the army intirely dependent upon him-
‘ self

‘ self alone : If that King had taken care of the last
‘ before he had attempted the first, the nation would
‘ now have been groaning under popery, slavery,
‘ and arbitrary power ; it was a most remarkable
‘ providence, a most remarkable fatality in the
‘ counsels of our oppressors, that saved the nation
‘ at that time ; but if we do not by our own wis-
‘ dom and our own conduct prevent it for the future,
‘ I must say, we deserve the most heavy chains that
‘ were ever laid upon any people.

‘ It is not intended, Sir, by the proposition, to
‘ give the officers a freehold in their commissions,
‘ but if it were, can it be said, it would be unjust ?
‘ Have not many of them purchased their commis-
‘ sions at a very high price ? Perhaps with the
‘ whole of what they had in the world ; and would
‘ it not be the height of injustice, that such gentle-
‘ men should be turned a-drift, at the pleasure of a
‘ minister of state ? Have not many of them bought
‘ their commissions by long services, by much blood,
‘ and many wounds ? Is not this a purchase much
‘ more honourable, than that of giving a few gui-
‘ neas for a piece of land ? And must the officer be
‘ turned out of his only subsistence to please a pee-
‘ vish minister, whilst the land-purchaser, who per-
‘ haps robbed his country in order to purchase that
‘ land, is protected by the laws of his country in the
‘ possession of his ill-gotten purchase ? Is this justice,
‘ Sir ? Or is it a shewing of that respect which is due
‘ to those who have boldly and faithfully served
‘ their country ? But there is this farther hardship,
‘ Sir, the officer who is turned out, not only loses
‘ his bread, but his honour may suffer into the
‘ bargain ; for if it is not very publicly known for
‘ what he was turned out, the malicious world may
‘ be apt to suspect, that he was discarded for some
‘ very heinous and dishonourable crime.

‘ Some gentlemen have already taken notice, that
‘ there are a great many officers of the army who
‘ have now seats in Parliament, and while they are
‘ allowed to sit in this, or in either house of Parlia-
‘ ment, it is certainly to be wished, that they were
‘ put upon the same independent footing with other
‘ gentlemen : I do not in the least suspect the virtue
‘ of those who at present have seats in either house of
‘ Parliament : Their virtue is, I find, what those
‘ who oppose the present question would gladly lug
‘ into the debate ; but as neither their virtue nor
‘ honour has any thing to do in the question, I may
‘ freely say, that when gentlemen either now or
‘ hereafter have their whole at stake, and see by the
‘ example of others, the danger of pretending to con-
‘ tradict an insolent minister in any the most wick-
‘ ed of his measures, it is putting their virtue to
‘ too great a trial, it is more than human frailty
‘ can well support ; and I am sure he must be very
‘ little acquainted with the nature of mankind, who
‘ thinks that the constitution, and the happiness of
‘ his country, may safely depend upon the event of
‘ such a trial.

‘ The honourable gentleman over the way, who
‘ is in the army, and who, I am sure, has acted
‘ with as much honour in this house, as any gentle-
‘ man in it, has given us one of the most unanswer-
‘ able arguments that the art of man could invent, in
‘ favour of the proposition now before us : He has
‘ told us, that when he opposed a scheme which he
‘ thought a most pernicious scheme, and which after-
‘ wards most effectually proved so, he was sent to,
‘ and was threatened with the loss of all his employ-
‘ ments in the army, because that scheme was
‘ brought in and supported by a minister : He
‘ had, ’tis true, virtue to withstand those threats,
‘ but it cannot be supposed that every man has the
‘ same virtue ; and what he has now told us is
‘ an evident demonstration, that this pretended pre-
‘ rogative

‘ rogate of removing officers, at pleasure, may
 ‘ by a minister be made use of to obtain the ap-
 ‘ probation of Parliament to the most destructive
 ‘ schemes he can invent.

‘ We know, Sir, that the late King *William* was
 ‘ once applied to, by some of his ministers, to remove
 ‘ an officer of his army, because of a vote he had
 ‘ given in this house : But that Prince, like a great
 ‘ and a wise King, answered, I suppose the gentle-
 ‘ man voted according to what appeared just and
 ‘ right to him at the time ; I know him to be a
 ‘ brave and a good officer, and one who has always
 ‘ done his duty in his military capacity ; I have no-
 ‘ thing to do with his behaviour in Parliament, and
 ‘ therefore I will not remove him from his com-
 ‘ mand in the army. His late Majesty was so sen-
 ‘ sible of the necessity of what is now proposed, that
 ‘ he approved of a bill of this very nature ; the bill
 ‘ was actually drawn up, and was to have been
 ‘ brought into the other house by the late Earl of
 ‘ *Stanhope* : This I know to be true, I do not know
 ‘ how it was prevented, but I know that his late
 ‘ Majesty cheerfully gave his consent for the bring-
 ‘ ing it into Parliament.

‘ The honourable gentleman who spoke last said,
 ‘ that those who are for the present question used the
 ‘ officers ill ; but I leave it to the impartial world,
 ‘ I leave it to the officers themselves, to judge, which
 ‘ side uses them worst : Those who say they ought
 ‘ to be secured against the resentment of a tyrannical
 ‘ minister, or those who tell us, you are to expect no
 ‘ justice from officers sitting in a court martial, not-
 ‘ withstanding their being sworn to do the same ju-
 ‘ stice, and to try with the same impartiality, that
 ‘ judges and juries ought, and are supposed to do :
 ‘ You are not to trust to officers, they will certainly
 ‘ combine together, and destroy your constitution ;
 ‘ there is nothing can keep them honest or faithful to

‘ their country, but keeping them in a slavish dependence upon the crown. Has not this, Sir, been the whole language of those who have hitherto opposed this question, and I do not doubt but the officers of the army will judge of the argument as they ought to do.

‘ I have spoke, Sir, much earlier in this debate than I intended, and I must say, that I had but very little room for any thing that has been said against the proposition, to have taken up so much of your time; but I find some gentlemen do not incline to speak to the question; however, if they do not, if no better reasons be given against it, than what have been already given, I am persuaded the fate of the question must be very different from what they expect.

Mr. Pelham's
speech.

Henry Pelham, Esq; ‘ I have attended, Sir, as closely as I could, to what has been said both for and against the proposition now before us, and I think the debate is now reduced to this single point, Whether, by what is now proposed, our constitution may be mended and made better; or whether it may not rather tend to hurt and injure our constitution: The latter, Sir, is my opinion, and I am convinced it appears in the same light to every one of the gentlemen, who, before me, have spoken against the motion. I do not approve of hard names, or any names that are indecent, to this, or any other proposition made in this house; but as those liberties have often been taken, by the gentlemen who now find fault with what has been said, it may be supposed, that other gentlemen think they have the same liberty, and may retort those names, when they think the proposition deserves them; however, upon all such occasions, at least upon the present occasion, I am sure there is nothing meant, personally against any of the gentlemen who have spoken in favour of the proposition. Gentle-

‘ Gentlemen have been pleased to say, that the
‘ prerogative is a growing part of our constitution;
‘ for my own part, Sir, I cannot really see, wherein
‘ the prerogative of the crown is greater now, than
‘ it has been at any time since the revolution; nor
‘ can I see what should give this alarm, or what
‘ should make it necessary now to clip and pare the
‘ prerogative of the crown, unless gentlemen have
‘ some scheme for greatly, or perhaps totally, alter-
‘ ing our constitution; and if they have, I am sure
‘ they can shew us no manner of reason for our at-
‘ tempting at present to make any such dangerous
‘ experiment. Suppose his Majesty has thought fit
‘ to remove one or two gentlemen from their em-
‘ ployments in the army, can that be looked on, as a
‘ sufficient reason for taking from his Majesty that
‘ power, which he and his predecessors have always
‘ enjoyed? The very attempting such a thing really
‘ looks as if gentlemen thought, that some very
‘ wrong, and wicked use had been lately made of
‘ that part of the prerogative, which, in the present
‘ case, they have not the least ground for; the worth
‘ and honour of the two noble persons, who have
‘ been removed, must be acknowledged by all; but
‘ worthy as they are, it must certainly be granted,
‘ that they have been succeeded by two gentlemen
‘ of equal worth; and surely this cannot be called
‘ garbling or modelling the army; for the army
‘ can never be said to be garbled or modelled, but
‘ when the most worthy and honourable are dismis-
‘ sed, and creatures of mean birth, or of no worth,
‘ put into their places.

‘ It is true, Sir, there were a great many officers
‘ removed about the time, that the Duke of *Marl-*
‘ *borough* was removed; and without the power of
‘ removing the inferior officers, they had not per-
‘ haps ventured to have removed that great general
‘ from his command in the army. Such a law, as
‘ what is now proposed, might have been perhaps

‘ of some service at that time, but it would have
‘ been of bad consequence soon after. We know
‘ what were thought to be the views and designs,
‘ when the Duke of *Marlborough* was removed ;
‘ we know, that he was succeeded by a person, whom
‘ I did indeed esteem for his personal qualifications,
‘ but his political views had, at that time, very near
‘ ruined our constitution, and have since, upon some
‘ occasions, greatly endangered it ; and if none of
‘ the officers of the army, who were upon that oc-
‘ casion put in, or continued in commission, could
‘ have been removed, but by the sentence of a court
‘ martial, I doubt much, if this house had been now
‘ fitting to give their opinion upon this, or any other
‘ question.

‘ An honourable gentleman on the floor, who
‘ spoke some time ago, happened to drop some ex-
‘ pressions, which I am sure were owing to his
‘ warmth ; he spoke of foreign officers, and insinu-
‘ ated, as if they might happen to be put into the
‘ places of those, who may hereafter be removed.
‘ Every gentleman, Sir, surely knows, that this
‘ would be directly contrary to law ; and no man
‘ can say, that there has been any thing done or at-
‘ tempted, that can give the least ground for appre-
‘ hending any such thing in time to come : It was
‘ indeed an indecent, and an ugly insinuation ; I wish
‘ the gentleman had spared it ; but as I am convin-
‘ ced, that it was intirely owing to warmth, I shall
‘ take no farther notice of it.

‘ I did not really, Sir, think it necessary to have
‘ given you any trouble in this debate, since other
‘ gentlemen before me have given very sufficient
‘ reasons for not agreeing to this motion, and have
‘ answered every thing that has been said in favour
‘ of it ; but the honourable gentleman, who spoke
‘ last, seemed so mighty desirous, that gentlemen
‘ would speak against what he and his friends seem
‘ to be for, that I rose up rather to gratify him, than
‘ that

‘ that I thought any thing necessary to be added to
 ‘ what had before been said against this proposition ;
 ‘ and therefore I shall take up no more of your time ;
 ‘ but leave the proposition to stand or fall by its own
 ‘ merits.’

Sir *William Wyndham*. ‘ The gentlemen, who Sir William
Wyndham's
speech
 ‘ have been pleased to speak against this proposition,
 ‘ have all of them asserted, I find, Sir, that, should
 ‘ it take place, it would alter the very being of
 ‘ our constitution ; from whence we must conclude,
 ‘ that these gentlemen think, that the very being
 ‘ of our constitution consists, not only in having a
 ‘ standing army, but in having that army absolutely
 ‘ and intirely dependent on the crown ; which is an
 ‘ opinion so directly contrary to that which every
 ‘ man ought to have about our constitution, that I
 ‘ am sorry to hear of its being entertained by any
 ‘ gentleman, who has the honour of being a member
 ‘ of this house. I wish those gentlemen would con-
 ‘ sider a little better, the nature, or the being of our
 ‘ constitution, and the many alterations that have,
 ‘ from time to time, crept into it ; if they do, they
 ‘ will find no greater novelty, nor can they find one
 ‘ more dangerous, than that of a standing army. It
 ‘ is not as yet, I hope, a part of our constitution,
 ‘ and therefore, what is now proposed cannot be an
 ‘ alteration of our constitution ; it is indeed so far
 ‘ otherwise, that the very design of it is, to prevent
 ‘ our constitution's being altered, by a standing ar-
 ‘ my's being hereafter made a part of it ; or at least
 ‘ to make that army less dangerous, in case it should
 ‘ become absolutely necessary for us always to keep
 ‘ up a standing army.

‘ We have likewise been told, Sir, that the pre-
 ‘ rogative of the crown is a part of our constitution,
 ‘ and the lessening the power of the crown, or rob-
 ‘ bing the crown of its prerogative (as gentlemen
 ‘ have been pleased to call it) is an alteration of our
 ‘ con-

constitution. For my own part, Sir, I have no notion of any legal power or prerogative, but what is for the benefit of the community; nor do I think, that any power can be legal, but what is originally derived from the community; and it is certain, that all the power that is, or can be given by the people, must be given for their own protection and defence: Therefore, if the people should afterwards find, that they have given too much; if they should begin to foresee, that the power they have given may come to be of dangerous consequence to themselves; have not they reason, have not they a right, to take back what part of it they think necessary for their own safety? This, Sir, is the proper footing, upon which the present debate ought to be put; and taking it upon this footing, suppose, that this power of removing the officers of the army, were a part of the ancient prerogative of the crown; if the Parliament should foresee, that this power might be made a bad use of; that it might easily be turned towards enslaving the people, would not the people have a right to take it from the crown; would it not be their duty to do so; nay, ought not the crown willingly and freely to give it up?

Gentlemen have next endeavoured to frighten us with the effects of this proposition, should it be passed into a law; they say we would soon see what such an independence in the army would turn to; but, for God's sake, Sir, is not the army to be still as much dependent upon King and Parliament, as ever they were before? If it should be but suspected, that any officer, or any number of officers, were going to attempt any thing against King and Parliament, could not the King immediately suspend them, or even put them under arrest; and could not the Parliament, as soon as they met, address his Majesty to remove them? Upon this occasion, I shall beg leave, Sir, to state the difference
of

‘ of the two cases : In the one case, an army intirely
‘ dependent on the crown, so much at the mercy of
‘ the crown, that, let the merit of those gentlemen
‘ in their military capacity be never so great ; let
‘ their fidelity to their King and country be never
‘ so conspicuous ; let their past services be never so
‘ meritorious ; yet, if they do not implicitly obey
‘ all the orders they shall receive from the crown, or
‘ rather from the favourite minister of the crown ;
‘ if they do not submit to propagate the most slavish
‘ schemes of a projecting minister, they may pro-
‘ bably be turned out of their employments in the
‘ army ; and thus, after having wore out their youth
‘ and vigour in the service of their country, they
‘ may at last, and in their old-age, be turned adrift,
‘ and reduced to a starving condition. In the other
‘ case, an army under no such servile dependence,
‘ having no reason to doubt of preferment accord-
‘ ing to their merit, and certain they could not be
‘ turned out of the places they have purchased by
‘ their long services, without being guilty of some
‘ crime or of some dishonourable behaviour ; and
‘ having the constitution, and the laws of their coun-
‘ try, as a security for their enjoying all those ad-
‘ vantages as long as they live ; is it not, Sir, an
‘ easy matter to determine, in which of these cases
‘ an army may be of most danger, or of most ser-
‘ vice, to the constitution of this country ?

‘ I will allow all that has been said about the vir-
‘ tue of those, who are at present the officers of our
‘ army ; about their being *Englishmen*, and every
‘ thing else, that has been said, or can be said, in
‘ favour of the characters of those gentlemen ; but
‘ still they are men, and every body knows, that
‘ those who have a dependence, perhaps for the whole
‘ they have in the world, must be something more
‘ than men, if they act with the same freedom, that
‘ they would do if they were under no such influence
‘ or dependence : It is certain ; I hope the gentle-
‘ men

‘ men of the other side of the question, even those
‘ gentlemen who now stand up so zealously for the
‘ prerogative, will grant, that ours is a limited mo-
‘ narchy : Our constitution depends upon its not be-
‘ ing in the power of the crown to break thro’ those
‘ limits which are prescribed by law, or to manage
‘ so, as to render them quite ineffectual ; for when
‘ either of these comes to be the case, our constitu-
‘ tion will be at an end ; the monarchy can no
‘ longer be said to be limited, any more than a man
‘ can be said to be under any restraint, who, tho’
‘ locked up in a room, has the keys in his pocket,
‘ and may open the doors when he pleases ; or has
‘ proper materials at hand, and may break the doors
‘ open, and walk out whenever he has a mind. We
‘ are therefore never to give a power to the crown,
‘ we ought not to leave the crown in the possession
‘ of a power, which may enable any future King to
‘ shake off all those limitations, which the royal
‘ power ought by our constitution to be subject to :
‘ And in this view I leave it to every gentleman to
‘ consider, whether a standing army, under the pre-
‘ sent circumstances, or under the regulations now
‘ proposed, does portend most danger to our con-
‘ stitution ? For my own part, I think the case so
‘ plain, I think the dangers pretended, from what
‘ is now proposed, so chimerical, that I am surpris’d
‘ to hear the motion oppos’d by any gentleman,
‘ who pretends to have the liberties, or the happiness
‘ of his country truly at heart.

‘ But in particular, Sir, I must at present observe,
‘ that if no notice should be taken of what has lately
‘ happened ; if no such provision, as is intended by
‘ the bill now moved for, should be made, and we
‘ should enter into a war, as is now likely we may
‘ be oblig’d to do, what encouragement can young
‘ gentlemen of noble and ancient families have to
‘ go into the army ; when they consider, that after
‘ having often ventured their lives in the service of
‘ their

‘ their country, after having honourably acquired
 ‘ some preferment in the army, and afterwards, by
 ‘ a natural and a family-interest, are come to have
 ‘ seats in Parliament, they must then be obliged to
 ‘ forfeit all those preferments, they have so honour-
 ‘ ably acquired, or otherwise to make themselves pro-
 ‘ fitutes to an infamous and wicked administration?
 ‘ After this melancholy consideration, Sir, can it be
 ‘ presumed, that any gentleman of honour will en-
 ‘ gage with that alacrity in the army, as he would
 ‘ do, if he were assured of preserving and enjoying
 ‘ whatever posts he may have in the army, with the
 ‘ same honour and integrity, with which he acquired
 ‘ them? This, Sir, makes it more particularly ne-
 ‘ cessary at present, to agree to the proposition now
 ‘ made to us; and as I think it makes no encroach-
 ‘ ment upon our constitution, but is, upon the con-
 ‘ trary, a very necessary amendment; as I think it
 ‘ for the honour of Parliament, and no way incon-
 ‘ sistent with the honour or safety of the crown, I
 ‘ shall therefore most heartily agree to it.’

Sir *William Yonge*. ‘ Sir, It is said, I remem-
 ‘ ber, in a printed paper which I read lately, that
 ‘ the revolution had not brought our constitution
 ‘ to that perfection which it ought to have done;
 ‘ but that some amendments were still wanting,
 ‘ and seemed to be absolutely necessary. I was
 ‘ indeed at some loss, to think what the amendments
 ‘ were, which those reforming geniusses pointed at;
 ‘ but now the secret is in some part out; for the pro-
 ‘ position now in debate I verily believe to be one
 ‘ of those necessary amendments they thought of;
 ‘ but the gentlemen, who have spoke before me,
 ‘ have sufficiently proved, that this amendment
 ‘ would be so far from improving our constitution, or
 ‘ rendering it more secure, that it would in a great
 ‘ measure destroy it: And if the other amend-
 ‘ ments, their wisdoms have projected, be of the
 ‘ same

*Sir William
 Yonge's
 speech.*

‘ same nature with this, I am afraid the people of
‘ *England* will not think themselves much obliged
‘ to them, for the trouble they have taken in pro-
‘ jecting such amendments.

‘ We know, Sir, that the people of this nation
‘ have generally been divided into parties, and that
‘ party, which I have always been proud to reckon
‘ myself one of, has generally, tho’ very wrongfully,
‘ been called the republican party ; but if I, or any
‘ other gentleman in this house, who has had the ho-
‘ nour of being reputed a Whigg, should come into
‘ this proposition, we should justly deserve that name,
‘ which those of another party have always given us
‘ by way of reproach ; for it is certain, that, if this
‘ proposition should take place our chief magistrate
‘ could not properly be called a King ; he would not
‘ have so much power left him, as the Stadtholder
‘ of the republic of *Holland* has always enjoyed.

‘ The honourable gentleman, who spoke last, in-
‘ sisted much upon the danger of an army’s depend-
‘ ing upon the crown, and talked of turning officers
‘ adrift, and reducing them to a starving condition ;
‘ but let us, Sir, consult our own histories, and see,
‘ whether an army depending upon the crown, or
‘ an army depending upon the Parliament, has done
‘ most harm to our constitution : We shall there
‘ see, that an army of the latter kind was so far from
‘ improving, or doing good to our constitution, that
‘ they very quickly overturned it ; they soon brought
‘ the King from the throne to the scaffold ; they
‘ turned both Lords and Commons out of doors,
‘ and then set up a most arbitrary government of
‘ their own : Whereas an army of the first kind has
‘ often preserved the constitution ; an army much
‘ more dependent upon the crown, than our army is
‘ at present, was, we know, so far from supporting
‘ the crown in attempts against the liberties of the
‘ people, that most of the army joined with the peo-
‘ ple in vindicating their liberties, even against a
‘ King,

‘ King, upon whom they had a most absolute dependence ; and while our army consists only of our own countrymen, and is commanded by gentlemen of good families and fortunes in the kingdom, we may always expect from them the same honourable behaviour.

‘ As for turning officers adrift, and reducing them to a starving condition, it is certain that no such thing can ever happen to any officer, that is a member of this house, let him vote, or behave in this house, in whatever manner he will ; for his very qualification, the estate he must have in his own right and possession, in order to qualify him for having a seat in Parliament, will always be sufficient to afford him a comfortable subsistence ; so that if he has any honour, or any regard to his country, the fear of being turned out of his post in the army, can never prevail upon him to give a vote in this house contrary to what he thinks right. And if we can suppose, that any officer, who is now, or ever may be in this house, has neither honour, nor regard to his country, with such a man the hopes of preferment will work as effectually, as the fears of extreme necessity can be supposed to work with any man of common honour ; but as no such thing can, in my opinion, be supposed, we have no occasion to give ourselves any trouble, much less to run ourselves into evident dangers, in order to provide against it.

‘ In short, Sir, I can see no necessity for our making such an alteration in our constitution ; I can see no cause for our making such an attack upon the prerogative of the crown ; it may be productive of great mischiefs, but cannot, I am sure, produce any good. And as for using the officers ill, the gentlemen of the army, who are now in the house, are themselves the best judges, by which side of the question they are worst used ; and their way of voting upon this question will be the best

2 proof

‘ proof of their judgment in that particular : As for
 ‘ my own part, I really think the proposition so un-
 ‘ reasonable, and so inconsistent with the principles
 ‘ even of those gentlemen who support it, that I did
 ‘ not at first believe it could have bore so long a
 ‘ debate.’

Other speak-
 ers.

Sir *Thomas Saunderson* spoke next in favour of the proposition ; Lord *Glenorby* against it ; Sir *John Barnard* for it ; Colonel *Mordaunt* and *Daniel Forbes, Esq;* against it ; and then

Sir Robert
Walpole's
 speech.

Mr. Chancellor of the *Exchequer* stood up and spoke as follows, viz. ‘ When I first heard, Sir,
 ‘ that such a motion as what is now before us, was
 ‘ to be made to this house, I considered with myself,
 ‘ what it was that had given occasion for gentlemen’s
 ‘ thinking of making such an innovation in our con-
 ‘ stitution, what view or design they had, and what
 ‘ form of government they aimed at : As to all
 ‘ which particulars I found myself intirely at a loss.
 ‘ We have heard, Sir, of monarchies, aristocracies,
 ‘ democracies, of oligarchies and anarchies, but
 ‘ should this proposition take place, I am persuaded,
 ‘ the government of this country would soon become
 ‘ what may be called a stratocracy, an army-govern-
 ‘ ment, which is a sort of government was never yet,
 ‘ I believe, established in any country, and such a
 ‘ government as, I believe, no man in this nation
 ‘ would be fond of : I shall not run out in comple-
 ‘ ments to the gentlemen of the army, but I hope
 ‘ those gentlemen will not take it amiss if I say,
 ‘ that I do not desire to give up our present form of
 ‘ government, in order to come under their govern-
 ‘ ment.

‘ As for trials, Sir, by martial law, I believe no
 ‘ gentleman will dispute, but that they have hitherto
 ‘ been very just and impartial ; but if the officers
 ‘ should be once made independent of all other pow-
 ‘ er,

er, we do not know what those trials might turn to: I neither can, nor shall say any thing to reflect upon the gentlemen who are judges in such trials, but we must all allow, that the nature of mankind is such, that every one has an attachment to, and a bias in favour of those he looks on to be of the same body with himself; merchants, lawyers, even the meanest sort of tradesmen, shew a partiality in favour of one another; and why we should look upon the officers of the army to be less liable to those natural partialities, than any other set of men, I cannot really see any reason for; therefore I am apt to believe, that if this proposition should be once passed into a law, it would not be possible to remove any officer from his commission by the sentence of a court martial, as long as he preserved a character and an interest in the army, which of course would encourage them in the boldest attempts against the constitution, and the government of their country.

Gentlemen have told us, Sir, that generals are still to be removable by the King at pleasure, and that all other officers are still to be removable by his Majesty and the Parliament; but I believe it will be granted, that though the King should most evidently see a very just cause for removing a general officer, he might not find it safe to do so, without removing at the same time a great number of inferior officers, whom he knew to be dependers upon that general, and perhaps associated with him in the same wicked designs: And if officers were made secure of their commissions for life, it would add so much weight to their interest through the whole kingdom, that they might soon get such an influence in both houses of Parliament, as would make it impossible to procure an address from either house, for the removal of any of them; besides, the very calling of the Parliament together, which cannot be done suddenly, would give

‘ the alarm to those officers, who might be engaged
‘ in a conspiracy for seizing the government into
‘ their own hands, whereby they would have an
‘ opportunity of carrying their designs into execu-
‘ tion, before the government could by any means
‘ prevent them.

‘ Thus, Sir, we would be in continual danger of
‘ falling intirely under the government of our army,
‘ and I am sure there is nothing has of late happen-
‘ ed, that can give occasion for our running ourselves
‘ into any such danger. What tho’ his Majesty has
‘ lately thought fit to remove two gentlemen from
‘ their commands in the army; can the removing
‘ of two gentlemen only, in a course of so many
‘ years, be called modelling or garbling the army?
‘ Can it be said, that the gentlemen who have suc-
‘ ceeded them are not men of as good families, of
‘ as great estates, and of as untainted characters as
‘ any gentlemen in the kingdom? surely, Sir, this
‘ cannot be call’d garbling, which, as has been al-
‘ ready said, must imply the removal of the most
‘ worthy, and the putting of the most unworthy in-
‘ to their places; and this, I am convinced, the an-
‘ griest man in this house will not pretend to be the
‘ case at present.

‘ It is certain, there were never any removals
‘ made, but what occasioned various speculations,
‘ when the reasons why they were made were not
‘ publicly known: in such cases, every man who
‘ is ignorant of the true reason, is apt to assign some
‘ reason of his own invention; but of all the removals
‘ that I have ever heard of, whatever talk they might
‘ occasion without doors, there never was any of
‘ them that occasioned any proposition or motion in
‘ this house; no pretence was ever taken from any
‘ such, to rob the crown of its prerogative, or to al-
‘ ter our constitution in any part. Even when the
‘ great Duke of *Marlborough* was removed, there
‘ was no such proposition as this ever thought on:

‘ The

‘ The removal of that great man I remember well ;
‘ and I remember too the arts that were used by his
‘ enemies, first to procure, and then to justify his re-
‘ moval. What gentlemen would do by the bill
‘ now proposed, was the very crime pretended to
‘ be laid to his charge: it was pretended, that he
‘ was contriving how to get himself made general
‘ for life: that he was become too great for his mi-
‘ strefs; and had thrown off all dependence upon
‘ the crown: that he aimed at being made perpetual
‘ dictator; and to give some sort of colour for the
‘ spreading of this calumny, I remember, that a cer-
‘ tain zealous gentleman of those days, sent a large
‘ present to Mr. *Booth*, and told him, it was for the
‘ part he acted in the tragedy of *Cato*, against the
‘ perpetual Dictator. This shews, Sir, that it was
‘ then looked on as a great crime for an officer to
‘ endeavour to be independent of the crown; and
‘ why it should now appear in a light so different,
‘ as to make the people think it necessary to make
‘ a law for that very purpose, I cannot imagine.

‘ We know, Sir, that great endeavours have been
‘ of late used to make it be believed abroad, that
‘ this is a divided nation, that the people are disaf-
‘ fected: hitherto all such endeavours have had but
‘ very little effect; but if this proposition should
‘ pass into a law, will not foreigners have reason to
‘ believe what they have heard? They cannot ima-
‘ gine, that the removing of two colonels of regi-
‘ ments, could have produced such a law; but will
‘ naturally say, what we have heard we see now to
‘ be true; the Parliament has no confidence in the
‘ King, and therefore they have taken from him
‘ that power which all his predecessors enjoyed. Is
‘ this, Sir, an opinion which we ought at any time
‘ to encourage or promote among our neighbours
‘ abroad, but especially at present, when a just opi-
‘ nion of the unanimity and strength of this nation,
‘ may be so necessary for preserving a just balance

‘ of power in *Europe*, and consequently, the very
 ‘ being of this nation ?

‘ In short, Sir, the regulation now proposed can
 ‘ produce no good, it may produce a multitude of
 ‘ mischiefs, and therefore I think we should all say,
 ‘ upon this occasion, *Nolumus Leges Angliæ mutare.*”

Lord Ca-
 therlough's
 speech.

Lord *Catherlough*. ‘ I cannot but say, Sir, that
 ‘ the officers of the army are very much obliged to
 ‘ the gentlemen who are for agreeing to the propo-
 ‘ sition now before you ; but I look upon it as a
 ‘ certain maxim, that no man can be a proper judge
 ‘ in his own cause, and as I have the honour to be
 ‘ in the army, I look upon myself as a party con-
 ‘ cerned, and therefore, I think, I can neither in
 ‘ honour or conscience offer to give my vote upon
 ‘ the question.

After which his lordship withdrew, and then the
 question was put, and carried in the negative, with-
 out any division.

Motion re-
 lating to the
 Duke of Bol-
 ton and Lord
 Viscount
 Cobham.

After this affair was over, *Samuel Sandys*, Esq;
 got up, and spoke to the following effect, *viz.* ‘ Sir,
 ‘ what gave rise to the proposition last before you,
 ‘ I believe most gentlemen in this house may easily
 ‘ guess : It was often mentioned in the last debate,
 ‘ and as in the course of that debate, no gentleman
 ‘ pretended to justify what has lately happened, I
 ‘ have a question in my hand which I hope will
 ‘ meet with no opposition, and therefore, Sir, I shall
 ‘ take the liberty to move, That an humble address
 ‘ be presented to his Majesty, humbly to desire his
 ‘ Majesty, that he will be graciously pleased to in-
 ‘ form this house, by whose advice it was that his
 ‘ Majesty was pleased to discharge his Grace *Charles*
 ‘ Duke of *Bolton*, and the right hon. *Richard* Lord
 ‘ Viscount *Cobham*, from the regiments lately under
 ‘ their several commands, and what crimes were al-
 ‘ ledged

‘ ledged against them, which were the occasion
‘ thereof.’

William Pulteney, Esq; ‘ I stand up, Sir, to se-^{Mr. Pulteney's speech.}
‘ cond the motion made by my worthy friend, which
‘ I hope will meet with much better success than the
‘ last motion we had before us : The last, indeed,
‘ was called, by some gentlemen, an attack upon
‘ the prerogative, an affront to the crown, and a
‘ great many other hard names, which I thought it
‘ very little deserved ; but I am sure there cannot
‘ be the least colour of reason for making such ob-
‘ jections, or for giving such names to the motion
‘ now made to you : On the contrary, it is shewing
‘ a great tenderness, and a most dutiful respect to his
‘ Majesty. The removal of those two noble Lords
‘ from their commands in the army, was what no
‘ gentleman in the late debate so much as endea-
‘ voured to excuse, most seemed rather to condemn,
‘ and all the world without-doors had, we know,
‘ before condemned it. Since then, the removal of
‘ those two noble Lords is looked on to be a wrong
‘ step, and since his Majesty cannot, by law, be
‘ supposed to do any wrong, we ought therefore,
‘ in duty to the crown, to present such an address as
‘ is now proposed to us, that his Majesty may be
‘ freed from the suspicion of doing any thing that
‘ is wrong, that the wicked person who advised it
‘ may be pointed out to the world, and that the
‘ reproach of such a measure may fall where it
‘ ought.

‘ If ever it should happen, Sir, to be the case of
‘ this nation, that a minister grown insolent in
‘ power, should dare to tell his master, If you do
‘ not dismiss such a man, or such another, I must
‘ abandon you, I can no longer support your govern-
‘ ment ; and by such language should prevail on
‘ him to dismiss some of his most faithful servants,
‘ only because they had honourably opposed some

‘ wicked attempt upon the liberties of their coun-
 ‘ try : I say, Sir, if ever any one minister, who
 ‘ solely ingrossed the ear of his master, should ar-
 ‘ rive at such an insolence in power, the King
 ‘ would no longer be the first man, he would be
 ‘ but the first slave in the nation ; and in such a
 ‘ case would it not be the duty of Parliament, would
 ‘ not they be bound in duty, both to their country
 ‘ and King, to desire to know who it was that ad-
 ‘ vised such measures, and what were the reasons
 ‘ for taking such ? This, Sir, is not, I hope, the
 ‘ case at present ; but as the removing of those two
 ‘ noble Lords has been condemned by the whole
 ‘ nation, it is sufficient for justifying us in the ap-
 ‘ plication now proposed : Let us know who gave
 ‘ the advice ; it was a wicked one, and the wicked-
 ‘ ness of it will be still more apparent, if it shall
 ‘ appear, that those who gave it dare not avow their
 ‘ reasons for giving it.’

After some time’s passing without any gentleman’s
 rising to speak, but only a call for the question,

Sir William
 Wyndham’s
 speech.

Sir *William Wyndham* stood up, and spoke in sub-
 stance as follows, *viz.* ‘ Whether or no there are
 ‘ any gentlemen in the house against the question,
 ‘ cannot, as yet, be determined ; but if there are,
 ‘ I was in hopes, Sir, they would have stood up, and
 ‘ have given the house some satisfaction, as to their
 ‘ reasons for being against a question, which seems
 ‘ to be highly approved of by several gentlemen in
 ‘ this house. What the cause of their silence may
 ‘ be, I shall not pretend to guess, but it seems we
 ‘ are to have no other satisfaction from them, but
 ‘ only a call for the question.

‘ In my opinion, Sir, the affair now before us
 ‘ deserves a much more decent treatment, if it were
 ‘ for no other reason, but because the names of two
 ‘ noble Lords are mentioned in the question, both of
 ‘ whom

‘ whom have done great services to their country,
 ‘ but one in particular. As I do not mean, Sir, to
 ‘ complement the one, neither will I depreciate the
 ‘ services of the other, and therefore I say they have
 ‘ both done great services, though in different capa-
 ‘ cities; but whoever remembers the late war, which
 ‘ was carried on so much to the honour of this na-
 ‘ tion, must remember how often honourable men-
 ‘ tion was then made in our gazettes, of Sir *Richard*
 ‘ *Temple*: In most of the accounts transmitted to us
 ‘ from *Flanders*, either of battles or sieges, his name
 ‘ generally stood among the foremost in the list of
 ‘ those gallant officers, who bravely ventured their
 ‘ lives in the service of their country. And if we
 ‘ look upon his behaviour in the senate, it is as
 ‘ much to his honour as his service in the field: In
 ‘ the last he has always acted as a good officer and
 ‘ a brave foldier, in the defence of his country; in
 ‘ the first he has always behaved as a faithful subject
 ‘ and a good counsellor to his King; and that such
 ‘ a man should be one of the first to fall a sacrifice
 ‘ to ministerial resentment, is what must give a just
 ‘ alarm to all the honest part of mankind: It is
 ‘ what principally gave rise to this day’s debate,
 ‘ and, in particular, to the motion now before
 ‘ you, which I very much approve of; and if no
 ‘ gentleman thinks fit to say any thing against it,
 ‘ I can hardly doubt of its being unanimously
 ‘ agreed to.’

No other gentleman offering to speak, the ques-
 tion was put, and, upon a division, carried in the
 negative, by a considerable majority.

By the methods of proceeding observed in the
 house of Commons, no bill can be brought into that
 house, till some member rises up in his place, and
 moves for leave to bring in such a bill, and if the
 majority of the house agrees to the motion, they then
 name a com ittee for drawing up such a bill as was

moved for, and after the committee have drawn it up, they then present it to the house. This is the method of introducing bills into the house of Commons; but in the house of Lords it is otherwise: Every Lord has the privilege of presenting to that house any bill he pleases to draw up; which bill is always read a first time; then the Lord that presented it, or some other, moves for a second reading; upon which motion a debate ensues, if any Lords in the house are against bringing in or passing any such bill.

Bill for
regulating
the army
presented to
the house
of Lords.

Upon the very same day that the last mentioned debate happened in the house of commons, his grace the Duke of *Marlborough* presented to the house of Lords, the bill, intituled, *An act for the better securing the constitution, by preventing the officers, &c. of* which the following is a copy.

An act for the better securing the constitution, by preventing the officers of such land forces, as shall at any time be allowed by authority of Parliament, from being deprived of their commissions, otherwise than by judgment of a court martial, to be held for that purpose, or by address of either house of Parliament.

‘ **W**HEREAS no standing army can, in
‘ time of peace, be raised or kept up with-
‘ in this realm; but by authority of Parliament:
‘ And whereas the safety and liberties of this nation
‘ do (in a great measure) depend upon the experi-
‘ ence and virtue of the officers, to whom the com-
‘ mand of the army should be intrusted, whenever
‘ any military force shall be judged proper to be
‘ raised or kept on foot: Now, to the end that
‘ persons of fortune and virtue may be encouraged
‘ to expose their lives for the safety and liberties of
‘ their country, and not be subject, by secret and
‘ malicious representations, to be cashiered or re-
‘ moved

‘ moved from their respective posts in the army,
‘ without any charge or pretence of neglect or breach
‘ of duty, or without any examination or trial
‘ whatsoever : May it please your most excellent
‘ Majesty, that it may be enacted, and be it enact-
‘ ed by the King’s most excellent Majesty, by and
‘ with the consent of the Lords spiritual and tem-
‘ poral, and commons in this present Parliament
‘ assembled, and by the authority of the same, That
‘ from and after the day of
‘ no captain of any of his Majesty’s troops of
‘ guards, or any commission-officer under them,
‘ nor any colonel, lieutenant-colonel, or major of
‘ the regiment, or captain, lieutenant, cornet or en-
‘ sign of any troop or company, belonging to any
‘ regiment, or of any independent troop or compa-
‘ ny, or any officer under them, having his com-
‘ mission from the crown, shall be cashiered or re-
‘ moved (other than to an higher post) or discharged
‘ from his commission, or be deprived of the pay
‘ belonging to the same, in any other manner than
‘ is hereafter prescribed, any usage to the contrary
‘ notwithstanding.

‘ And be it farther enacted, by the authority a-
‘ foresaid, That if any of the officers before-named
‘ shall be guilty of any breach of duty, or otherwise
‘ misbehave themselves in the said offices, That
‘ then it shall and may be lawful for his Majesty,
‘ his heirs and successors, to grant a commission un-
‘ der his or their sign manual, to any officer, not
‘ under the degree of a field-officer, to try such per-
‘ son by a court martial, in such manner and form,
‘ and subject to such rules, regulations and methods
‘ of trial, as have been usually observed in courts
‘ martial, for trying persons for neglect of duty,
‘ or other misbehaviour in the army, and to ca-
‘ shier, remove, or discharge any officer whatso-
‘ ever, if such court martial shall adjudge the same ;
‘ any

‘ any thing herein contained to the contrary notwithstanding.

‘ Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or prevent his Majesty, his heirs or successors, from disbanding, breaking or reducing all, or any of the regiments, troops or companies, now in being, or which shall or may be raised hereafter, whenever his Majesty, his heirs or successors, shall think fit to disband or reduce the same.

‘ Provided also, That it shall and may be lawful for his Majesty, his heirs and successors, to cashier or remove any officer whatsoever, upon an address from either house of Parliament for that purpose.’

His Grace introduced the bill with a speech, explaining the nature of the bill, and the necessity that there was for making some such regulations, in a country which gloried in the name of liberty, and where the people were so happy as to preserve that freedom, after most of their neighbours had lost theirs, by the very means which he proposed to obviate, by the bill he then presented to that house. Upon the question’s being put for a second reading of this bill, there arose the following debate.

For some time after the motion for a second reading, no Lord stood up to speak either for or against it, only some called for the question, and when the question was just going to be put,

The Earl of
Chesterfield’s
speech.

The Earl of *Chesterfield* stood up, and spoke as follows, viz. ‘ My Lords, as there seem to be some of your Lordships against the second reading of this bill, I am surprised to hear the question so much insisted on, before any Lord, who seems to be against a second reading, has stood up to give any one reason for his being so. If any motion is
‘ made,

‘ made, if any bill is presented to this house, were
‘ it an affair of no consequence, yet it is a respect
‘ due to the noble Lord who makes the motion, or
‘ presents the bill, not to put a negative upon it
‘ without giving some reasons for so doing ; but
‘ in the present case it cannot be pretended, but
‘ that the bill now presented to us is an affair of the
‘ utmost consequence ; the bill offered to us is, in
‘ my opinion, not only a good, but a necessary bill,
‘ and the noble Duke has given so strong reasons
‘ for its passing, that I hope your Lordships will not
‘ so much as endeavour to put a negative upon it,
‘ without first giving some sort of a reason for what
‘ you are about to do.

‘ Such a method of proceeding, my lords, is be-
‘ neath the dignity of this house, it will really look
‘ as if something else than reason and argument pre-
‘ vailed in this house ; and if a second reading of a
‘ bill of such consequence be in such a manner refu-
‘ sed, I am sure the world will conclude, that no
‘ good reason could be given for so doing, which,
‘ of course, must bring this house into the utmost
‘ contempt, in the opinion of the generality of the
‘ nation : This is a consequence that, I am con-
‘ vinced, every one of your Lordships must think
‘ yourselves concerned in, and therefore I hope that
‘ some of those Lords who are to give their nega-
‘ tive to the second reading of this bill, will stand
‘ up and give us their reasons for being of that
‘ opinion : At present my opinion happens to be
‘ different from theirs, but I now declare to them,
‘ that if sufficient answers are not made to every
‘ objection they shall start against the second read-
‘ ing, I shall most readily quit the opinion I am
‘ now of, and join with them in putting a negative
‘ upon the bill.

Lord

Lord Her-
vey's speech.

Lord *Hervey*. ' I am, my Lords, one of those,
' and I believe there are a great many more, who
' are against the second reading of this bill. I did
' not, 'tis true, rise up immediately after the motion
' was made, to give my reasons for being against
' a second reading, because I thought the bill was
' of a nature so very extraordinary, and the ob-
' jections to it so strong and so evident, that I
' thought it unnecessary for me or any other Lord
' in this house, to give himself or the house the trou-
' ble of explaining them: But since the noble Lord,
' who spoke last, insists so much upon it, in or-
' der to satisfy him, I shall give some of those rea-
' sons which prevail with me to be against a se-
' cond reading of the bill now before us; and if
' either that noble Lord, or any other, can give
' sufficient answers to those reasons, I shall most
' readily give up my present opinion, and join
' with those noble Lords who are for reading this
' bill a second time.

' With me, my Lords, one of the principal ob-
' jections against the bill is, that I look upon it as
' an open and a direct attack upon the prerogative
' of the crown. It is an attack upon a prerogative
' which his Majesty and his ancestors have enjoyed
' ever since our monarchy had a being; and we all
' know how nearly connected the privileges of this
' house are with the prerogatives of the crown; we
' know, my Lords, that the last open and direct
' attack that was made upon the prerogatives of the
' crown, ended in the total subversion of our mo-
' narchy, and an intire dissolution of this house;
' and therefore I cannot but be surpris'd to see a
' bill of this nature brought first into this house:
' If such a bill had pass'd the other house, and had
' been sent up to us from thence, I do not doubt but
' that every one of your Lordships would have
' easily seen through the design; you would have
' seen the snare that was laid against the monarchical
establish-

‘ establishment of our government, upon which the
‘ privileges of every Lord in the nation absolutely
‘ depend ; this would have given your Lordships
‘ a just alarm ; and this, I doubt not, would have
‘ made you receive such a bill in the manner it de-
‘ served.

‘ I have often heard, my Lords, of a compact
‘ between the King and the people, a compact up-
‘ on which, it is said, our constitution and govern-
‘ ment depend ; if there be any such, the nature of
‘ it must certainly be mutual ; upon one part, our
‘ Kings are obliged not to usurp or incroach upon
‘ the liberties and privileges of the people ; but
‘ surely there must be a counter-part, and by that
‘ there must be an obligation upon the people, not
‘ to usurp or incroach upon the powers and prero-
‘ gatives of the crown ; for it would be a very un-
‘ just compact, if on the one hand, the King were
‘ most strictly tied down, and on the other hand,
‘ the people left at full liberty to incroach as often,
‘ and as far, as they pleased, upon the prerogatives
‘ of the crown. This cannot be the case ; the com-
‘ pact must be mutual ; and as his present Majesty
‘ has never once attempted, nor desires, in the least,
‘ to incroach upon the liberties or the privileges of
‘ the people, it would be very unjust and unfair in
‘ us to make any incroachment upon him : Nay, it
‘ would be most unwise, and might be attended with
‘ the most fatal consequences ; for a breach of cove-
‘ nant upon one side would dissolve all the covenants
‘ upon the other, which would at once unhinge the
‘ whole of our constitution.

‘ It has been always thought necessary, my Lords,
‘ to give our Kings the sole power of naming, pre-
‘ ferring, and removing, at pleasure, the officers of
‘ our armies, in order to give our Kings that power
‘ and influence over our armies, which is absolutely
‘ necessary for supporting and promoting a proper
‘ military discipline among them, without which
‘ they

‘ they would be of no use against a foreign enemy,
‘ and might soon become most oppressive to the peo-
‘ ple, for whose safety they were raised and main-
‘ tained. This power was thought so necessary at
‘ the time of the revolution, and it was then thought
‘ to be of so little danger to the freedom of our con-
‘ stitution, that at that time, when the liberties of
‘ the people were fully considered, when every thing
‘ was removed that could be of dangerous conse-
‘ quence to them, there was not the least mention
‘ made of taking this power from the crown, or
‘ even of laying it under any restraints; and I do not
‘ know any thing that has since happened, which can
‘ give us the least ground for being of an opinion
‘ different from that which was the opinion of our
‘ ancestors at that time.

‘ The happiness of our constitution, my Lords,
‘ depends upon that equal division of power, which
‘ is established among the three branches of our le-
‘ gislature: The executive power, and the defend-
‘ ing of the people against their enemies is now, and
‘ always has been, intrusted solely with our King;
‘ and as long as the execution of the laws, or the
‘ defence of the people against their enemies, foreign
‘ or domestic, is intrusted with the King, it must
‘ always be absolutely necessary to give our Kings
‘ proper powers for those purposes; the supreme
‘ and ultimate determination of all disputes about
‘ property, is lodged solely in this house; and the
‘ raising of money for the public use, or laying taxes
‘ upon the people, is what now seems to be princi-
‘ pally the province of the other house. Thus the
‘ three branches of our legislature are a check upon
‘ one another, which prevents its being in the power
‘ of any one of them to oppress the people, or to
‘ destroy the other two. Under this establishment
‘ we have been happy for many ages, under this the
‘ nation has grown up to a very high pitch of riches
‘ and power, and while this establishment conti-
‘ nues,

‘ nues, it is more than probable, we shall always
‘ be happy.

‘ But, my Lords, by the bill now before us, we
‘ are to establish a fourth power, a new sort of
‘ power, which, I am persuaded, would soon become
‘ independent of the other three. This is making
‘ a most considerable alteration in our constitution;
‘ an alteration that may be attended with such fatal
‘ consequences, that it makes me tremble to think
‘ of it : To establish a General for life at the head
‘ of a well-disciplined army, commanded by offi-
‘ cers who could not be removed, but by the con-
‘ sent of one another, would soon put it in the
‘ power of that General, to make himself master
‘ both of King and Parliament : The transition from
‘ *Dux* to *Rex* would soon become easy for him ; by
‘ this the constitution might be intirely overthrown,
‘ and the nation might be involved in a multitude
‘ of calamities.

‘ ’Tis true, my Lords, that by what is proposed
‘ in the bill now before us, an officer may still be
‘ removed from his command in the army, upon
‘ an address from either house of Parliament ; but
‘ as the Parliament cannot be kept always sitting,
‘ this address could not often be speedily obtain-
‘ ed ; and if an officer should be discovered to be
‘ conspiring the overthrow of the government, and
‘ should, notwithstanding, be continued in his com-
‘ mission, and in the possession of that power in the
‘ army which he had by virtue of his commission,
‘ till the next session of Parliament ; both houses
‘ might, perhaps, address for turning him out, but
‘ his power in the army might, by that time, be so
‘ well established, that it would be out of the power
‘ of both King and Parliament to devest him of his
‘ command ; and as for a trial by a court martial, I
‘ believe, it would not be so much as pretended, that
‘ a sentence could be got against such an officer, or
‘ indeed

‘ indeed against any officer, who had a great influence in the army : It is not to be presumed, that officers would be ready to condemn one another, unless it was for a crime which they themselves could no way approve of, especially when they knew that they could not be removed by any other authority.

‘ Since then, my Lords, I can see no manner of occasion for the regulation now proposed, since I am of opinion, that it would be a great injury done to his Majesty, that it would tend to destroy all military discipline in the army, and would greatly endanger, if not totally subvert our happy constitution, I cannot therefore agree to the giving it a second reading.

The Earl of *Orrery* spoke next for the question, the Earl of *Cholmondely* spoke against it, the Marquis of *Tweedale* for it, and then the

Duke of
Newcastle's
speech.

Duke of *Newcastle* stood up, and spoke in substance as follows, viz. ‘ My Lords, as I shall certainly give my vote against the second reading of this bill, I must beg leave to give some of my reasons for so doing. I must be of opinion, my Lords, that it will always be proper to leave in his Majesty, a power of removing the officers of the army at pleasure, in order to preserve that respect and obedience which is due from them to their King ; but I am the more firmly of this opinion, when I consider, that there is at present a Pretender to the crown of these realms ; for while there is such a misfortune hanging over us, we may conclude, that there always will be plots and contrivances in this kingdom against the person in possession of the throne ; and while there is a Pretender, he may have, without all doubt, his agents in the army, as well as he has every where else : Under such circumstances it is not to be doubted but that

‘ some of the officers may, at some time or other,
‘ be drawn away from their duty to their King and
‘ country, some of them may happen to be misled,
‘ and drawn into engagements against his Majesty’s
‘ person and government; and while his Majesty is
‘ in such danger, shall we put it out of his power
‘ to remove those officers from their commands in
‘ the army, tho’ he has certain information of their
‘ being in a plot to overthrow his government, per-
‘ haps even to take away his life?

‘ This, my Lords, his Majesty may have most
‘ certain information of, the officers concerned in
‘ such engagements may be made known to him,
‘ beyond all doubt or contradiction, and yet the
‘ proofs may be such as would not prevail upon a
‘ court martial to condemn their brother officer to
‘ death, or even to be broke; or they may be such
‘ as could not properly, at least, at that time, be laid
‘ before a court martial; because if they were laid
‘ before any such court, the informers, and all the
‘ other methods by which the plot was at first dis-
‘ covered, and the whole progress of it traced, must
‘ then become publicly known, by which all farther
‘ discovery would be effectually prevented; and if
‘ the bill now presented should pass into a law, his
‘ Majesty would be under a necessity of laying all
‘ proofs immediately before a court martial, or of
‘ allowing such treacherous officers, perhaps, even
‘ one of his Chief Generals, to continue in command,
‘ by which they might probably be enabled to ren-
‘ der their conspiracies successful; for which reason,
‘ I hope, that none of your Lordships will approve
‘ of this bill, when you consider how dangerous it
‘ may prove to be for our present happy establish-
‘ ment, and how much it may weaken the hands of
‘ the government, against any attempts that may
‘ hereafter be made in favour of the Pretender.

‘ Besides this, my Lords, there are many other
‘ cases which might be mentioned, wherein his
‘ Majesty might have very good reason to remove
‘ an officer, though it would not be at all proper
‘ to make that reason so public as to lay it before
‘ a court martial : There are likewise many little
‘ crimes which an officer may be guilty of, and for
‘ which he might highly deserve to be removed,
‘ and yet these crimes may be such as could not
‘ well come under the cognisance of a court martial ;
‘ at least it would not be possible to obtain a sentence
‘ of a court martial for the removing of such an of-
‘ ficer ; for when gentlemen sit in judgment upon
‘ a brother officer, in order to determine whether he
‘ ought to be broke or not, it is to be supposed, that
‘ they will not pass judgment against him, unless
‘ some very enormous crimes be fully proved before
‘ them ; which would make it impossible to keep up
‘ that strict discipline, and regular subordination,
‘ that must be observed in all regular armies, or in-
‘ deed in any army fit for service, or that may be
‘ depended on for the defence of a country.

‘ I must, indeed, say, my Lords, that if any at-
‘ tempts had ever been made towards modelling the
‘ army, and making it fit for any bad purpose,
‘ there might then have been some occasion for
‘ proposing such a bill as this now before us ; but
‘ as no such attempts have ever been made, as no
‘ such attempts can be so much as apprehended from
‘ his present Majesty, I am therefore surprised to
‘ hear such a bill so much as proposed in this house,
‘ at present. I am sure the passing of such a bill,
‘ at present, would be a subjecting of the nation to
‘ many great and certain dangers and inconvenien-
‘ ces, for the sake of avoiding an inconvenience that
‘ has never been felt by any, but in imagination ;
‘ and for this reason I must be against giving the
‘ bill a second reading.

Earl of *Chesterfield*. ‘ I have, my Lords, before
 ‘ declared, that my opinion was for reading this <sup>Earl of *Chesterfield*’s
 ‘ bill a second time ; I likewise said, I would alter ^{speech.}
 ‘ opinion, if any Lord could give me a sufficient
 ‘ reason for so doing ; but, from what has fell from
 ‘ the noble Lords who have spoke against the second
 ‘ reading, I am so far from altering my opinion,
 ‘ that I now think a second reading of the bill
 ‘ is absolutely necessary, even before we can en-
 ‘ ter into any debate upon the merits of it ; for
 ‘ all the arguments that have been made use of
 ‘ against a second reading, all the objections hither-
 ‘ to made to the bill, are founded upon supposi-
 ‘ tions which are directly contrary to the contents
 ‘ of the bill.</sup>

‘ It has been said, that the bill is a direct attack
 ‘ upon the prerogative of the crown, and that it is
 ‘ designed for destroying, or at least diminishing,
 ‘ the power of the crown ; but, my Lords, if what
 ‘ is proposed in the bill be duly considered, it will
 ‘ appear to be neither an attack upon the preroga-
 ‘ tive, nor so much as a diminution of the power
 ‘ of the crown : There is no power to be taken
 ‘ from the crown, but that power which the crown
 ‘ ought never to make use of : It is certain that the
 ‘ crown ought never to take an officer’s commission
 ‘ from him, but for some very sufficient reason, and
 ‘ upon a full proof of the facts alledged against
 ‘ him ; and therefore all that is proposed by this
 ‘ bill, is only a method, by which the crown may
 ‘ get such an information, as to the facts alledged,
 ‘ as may be depended on ; whereby the crown may
 ‘ be secured against impositions, and the officers a-
 ‘ gainst private misrepresentations, and false accusa-
 ‘ tions : It is, my Lords, to prevent the King’s be-
 ‘ ing maliciously led into the doing a piece of the
 ‘ highest injustice to a faithful soldier, and to pre-
 ‘ vent a good and a brave officer from being whif-
 ‘ pered out of his commission, and reduced to a

‘ starving condition for no crime, perhaps for a piece
‘ of behaviour for which he ought to be highly re-
‘ warded. Can this, my Lords, be called a dimi-
‘ nution of the power of the crown? Is it not plain-
‘ ly and directly grounded upon that fundamental
‘ maxim of our constitution, which says, That the
‘ King of *England* shall have it in his power to do as
‘ much good as he pleases, but shall not have it in
‘ his power to do wrong?

‘ The objection as to general officers, is likewise,
‘ my Lords, founded upon a mistake; for if the
‘ noble Lords had attended to the first reading of
‘ the bill, they must have known, that with respect
‘ to general officers, the power of the crown is to
‘ remain in the very same state it was in before;
‘ the regulation proposed by the bill, is to extend
‘ no higher than colonels of regiments; and surely
‘ the continuing of the most designing and the most
‘ daring man, in the command of a single regi-
‘ ment, for two or three months, after a discovery
‘ of his wicked designs, can be of no dangerous
‘ consequence; even though the continuing him
‘ for that time were, by this bill, to be made ab-
‘ solutely necessary; but that is not the case, which
‘ leads me to consider another mistake, from which
‘ an argument hath been drawn, and much insisted
‘ on by some of the noble Lords who have spoke
‘ against the question.

‘ The Pretender, my Lords, I find, is to be lug-
‘ ged into this question, as he has been into some
‘ others, in which he had very little to do; and the
‘ danger the nation lies exposed to from him, is to
‘ be made an argument for our not taking that care
‘ of our liberties and constitution which we ought. I
‘ hope I am as little suspected of favouring any de-
‘ signs from that quarter, as any Lord in this house;
‘ if there were the least ground for that argument, it
‘ would be a most prevailing argument with me for
‘ being not only against the second reading of this
‘ bill,

‘ bill, but for the rejecting of it with the utmost
‘ disdain : But those Lords who make use of this
‘ argument, seem not to take notice, that the King
‘ is still to retain the power of suspending and put-
‘ ting under an arrest any officer, or any number of
‘ officers, he pleases, and at whatever time or times
‘ he may think proper ; and if the least discovery
‘ should be made, that any officer, or number of
‘ officers, were drawn into a plot, in favour of the
‘ Pretender, or into any other plot against his Maje-
‘ sty’s person and government, could not his Majesty
‘ immediately suspend all such officers from their
‘ commands in the army ? Could not he immediate-
‘ ly lay them all under an arrest ? Nay, could not
‘ he immediately throw them all into a common
‘ prison, or at least into the hands of messengers,
‘ and detain them there, ’till it should be found con-
‘ venient to bring them to a trial before a court
‘ martial, or otherwise ; or at least ’till the Parlia-
‘ ment should be called, in order to have an address
‘ from this or the other house, for breaking such of
‘ them, against whom a legal and full proof could
‘ not be obtained ? Is it to be doubted, that either
‘ this house or the other, or indeed, both, would re-
‘ fuse to redress his Majesty upon such an occasion ?
‘ And would not this as effectually disappoint all
‘ their plots and contrivances, as if his Majesty had
‘ immediately broke every one of those officers, who
‘ were at first represented to him as being concern-
‘ ed in that plot.

‘ This bill has likewise been represented to us as
‘ if it would destroy that influence which his Maje-
‘ sty ought always to have in the army, and annihili-
‘ late that respect and dependence which the officers
‘ ought always to have upon the crown : But this,
‘ my Lord, seems likewise to be founded upon a
‘ mistake, or at least upon an oversight ; for, not-
‘ withstanding any provision in the bill now before

‘ us, the power of naming and preferring the officers
‘ of the army is to remain absolute in the crown;
‘ and besides there will be many other ways left,
‘ by which the crown may secure the respect and
‘ dependence of all the officers in the army; so that
‘ there is nothing in this bill, nor any thing designed
‘ by the bill, that can possibly diminish that just and
‘ due influence which the crown ought to have in
‘ the army. The hopes of preferment alone are
‘ sufficient for influencing every officer to do his
‘ duty, and to shew that respect which is due both
‘ to the crown, and to his superior officers: They
‘ may not, indeed, be sufficient for influencing an
‘ officer to act contrary to his duty, both as to his
‘ King and country, by obeying the private com-
‘ mands of a wicked minister; but this, my Lords,
‘ and this only, is what is by this bill proposed to
‘ be guarded against. All that is proposed is, only
‘ that no minister of state shall hereafter have it in
‘ his power to tell an officer of the army, in a case
‘ that perhaps no way regards military discipline,
‘ Sir,——you shall do so or so,——or starve!

‘ Thus, my Lords, I think I have shewn, that
‘ all the material objections against the second read-
‘ ing of this bill are founded upon mistakes, as to
‘ the nature of it; which, in my opinion, is a most
‘ convincing argument for giving it at least a second
‘ reading. There has indeed one or two other ar-
‘ guments been made use of, which I am greatly
‘ surprised at. It has been said, that there are seve-
‘ ral crimes an officer may be guilty of, which can-
‘ not properly be brought before a court martial; or
‘ at least, where justice upon the offender could not
‘ well be expected from a court martial: Here in-
‘ deed I am quite at a loss, for I know of no mili-
‘ tary crimes but what may properly be brought
‘ before a court martial; and unless it be such crimes
‘ as are proper for the cognisance of our spiritual
‘ courts, I do not know any other, but where the
‘ most

‘ most severe and impartial justice has always been
‘ given by, and may always be expected from
‘ courts martial : I am sure, that if any officer be
‘ guilty of cowardice, of neglect of duty, or of any
‘ crime, or action, that is in the least dishonoura-
‘ ble, the most strict justice may always be expect-
‘ ed from a court martial ; nay, so severe have the
‘ officers of our army always been, in such cases,
‘ upon one another, that for some failings, which
‘ the crown has overlooked, which the generals
‘ have so far overlooked, as not to bring them be-
‘ fore a court martial, yet the officers themselves
‘ have taken notice of them, and have refused to
‘ roll or to serve with the man who has been guilty
‘ of them ; and therefore to pretend, that martial
‘ discipline could not be kept up in the army, if
‘ officers could not be broke or removed but by a
‘ court martial, is an argument founded upon a sup-
‘ position, which is directly contrary to experince.

‘ The other argument, which surprises me, is an
‘ argument founded upon a new sort of doctrine ; a
‘ doctrine by which we are taught, that the prero-
‘ gative is never to be touched in the least ; you are
‘ never to make any law for regulating the prero-
‘ gative in any branch ; the compact between King
‘ and people must be mutual ; the people must be
‘ as much obliged not to incroach upon the King’s
‘ prerogative, as he is obliged not to incroach upon
‘ their privileges. As to the compact’s being mu-
‘ tual, and the parties equally bound, I shall, my
‘ Lords, easily grant ; yet that can be no bar to our
‘ making as many acts of Parliament as we please,
‘ for regulating, or even restraining the prerogative ;
‘ because to every such act the King gives his con-
‘ sent, and surely all the persons concerned in a com-
‘ pact may, by their mutual consent, make what al-
‘ terations in it they please : And so the case is ; we
‘ have, by acts of Parliament, made many altera-
‘ tions with regard to the prerogative ; and I be-

' lieve every one of your Lordships will grant, that
 ' it is to these alterations, that we owe the liberty
 ' we now enjoy. The prerogative has been often
 ' restrained and limited, or at least brought back to
 ' its primitive institutions. Was not the *Habeas Cor-*
 ' *pus* act a most noted, and a most useful limitation
 ' of that prerogative, which our Kings then pretend-
 ' ed to? Did not our Kings formerly pretend to a
 ' power and prerogative of removing the judges at
 ' pleasure? But this prerogative was found to be in-
 ' consistent with the liberties of the people, and there-
 ' fore, by the claim of right, an alteration was made
 ' as to that part of the prerogative. And as to that
 ' part of the prerogative now insisted on, it is well
 ' known, that it has grown up of late ages, for by
 ' our primitive institution, the King could not re-
 ' move the officers of the army: The nobility and
 ' the barons of the kingdom, were the proper offi-
 ' cers, and each of them led out to war, and com-
 ' manded his own military tenants, so that their com-
 ' mands in the army depended upon their tenures,
 ' from neither of which the King could remove
 ' them, without their being legally found guilty of
 ' a crime; and from the writings of the learned
 ' judge *Coke*, who, I believe, will be allowed to have
 ' understood our ancient constitution, we may learn,
 ' that of ancient times, the freeholders of each coun-
 ' ty chose their leader in war, as well as they did
 ' the sheriffs and other officers for times of peace.*
 ' And therefore, what is now proposed must appear
 ' to be so far from being an attack upon, or a dimi-
 ' nution of, the ancient prerogative of the crown,
 ' that it does not near bring the prerogative back
 ' to its primitive institution.

' It has been said, that at the revolution no such
 ' provision was made as is now proposed: Very
 ' true, my Lords; but the reason was, because before

* *Coke, Part II, on the statute of Westminster 1st, chap. 10.*

‘ that

‘ that time, we never had such a thing as a legal
‘ standing army ; we had, indeed a few regular
‘ troops, but they never, I believe, amounted to
‘ 4000 men, which could not properly be called an
‘ army ; so that it was impossible we could think
‘ of making any regulation about a thing which was
‘ not then in being : And moreover, it cannot be
‘ said, that at the very time of the revolution, the
‘ liberties of the people were, or, indeed, could be,
‘ fully considered ; it cannot be pretended, that every
‘ thing was then removed, that might be of dangerous
‘ consequence to them ; for do not we know,
‘ that even since that time, some regulations have
‘ been made, with respect to the prerogative ? Even
‘ that remarkable regulation of triennial, or, as we
‘ have them now, septennial Parliaments, was not
‘ made till some time after the revolution ; and yet
‘ it must be granted, that this was not only a great,
‘ but a necessary diminution of the prerogative, in
‘ order to secure the liberties of the people : It is
‘ not in the power of man, my Lords, to foresee all
‘ the evils, and all the inconveniences that may afterwards
‘ arise, and therefore, it is impossible for
‘ men to provide proper remedies against them all ;
‘ we can provide against them only by degrees, and
‘ as they happen to come under our observation.

‘ The evil which is proposed to be remedied, or
‘ at least prevented, by the bill now before us, is
‘ what has been long under the observation of most
‘ gentlemen in the kingdom, and therefore, my
‘ Lords, I am extremely surpris’d to hear it said,
‘ that no examples have happened, which could give
‘ occasion for such a bill as the present. Is it not well
‘ known, that we have had several examples of officers
‘ turned out of their commissions, only for not
‘ being submissive to the ministers for the time being ?
‘ Do not we all know, that in the end of the late
‘ Queen’s reign, there were numbers of gentlemen
‘ turned

‘ turned out of their commissions, without any rea-
‘ son, without any crime so much as alledged against
‘ them? Do not we know, that, even in the late
‘ King’s reign, there were a great many brave offi-
‘ cers removed, without being guilty of any crime,
‘ at least, I am sure, they were not guilty of any
‘ military crime, no not so much as of a neglect of
‘ duty; they could not even be accused of any want
‘ of respect to the crown; the whole, I believe, of
‘ what could possibly be laid to their charge was,
‘ that they were not, perhaps, so submissive to the
‘ prime minister, as he thought he had reason to ex-
‘ pect. These removes were, at that time, my
‘ Lords, so much taken notice of, that it occasioned
‘ a very great debate upon the mutiny-bill, both in
‘ this and the other house of Parliament: I was
‘ then, my Lords, in the other house, and I well
‘ remember, that it was there strongly insisted on, as
‘ an objection against that clause of the bill, by which
‘ officers are made judges in the cases of life and death,
‘ that it was very improper they should be judges in
‘ any such case, as long as their commissions intirely
‘ depended upon the crown, and might be taken
‘ from them whenever a minister had a mind.

‘ And, my Lords, though his present Majesty’s
‘ justice and prudence be known to the whole world,
‘ yet we find, that even he has been prevailed on,
‘ by what means I do not know, to remove two offi-
‘ cers, both members of this house, neither of whom,
‘ in so far as I can hear, has ever yet been accused
‘ of any crime, or of any want of respect to the
‘ crown; no, not so much as of a neglect of duty.
‘ What I am now on is, I know, my Lords, a ten-
‘ der point, I am sorry I am obliged to mention it;
‘ and I would avoid it, if I did not know my heart
‘ to be so warmly affected to his Majesty, that I am
‘ sure it will not allow my tongue to say any thing
‘ unbecoming of him. If there is any fault, I am
‘ sure his Majesty is not to blame: If the two noble
‘ Lords

‘ Lords were removed without a sufficient cause, it
‘ could not proceed from any thing that was wrong
‘ in his Majesty: It must have proceeded from some
‘ misrepresentations, or some private and malicious
‘ accusations, which his Majesty has not yet disco-
‘ vered to be false; but when he does, we may de-
‘ pend on it, he will do justice to the two noble
‘ Lords who have been injured, and will severely
‘ punish those who have been guilty of giving him
‘ a false and a malicious information: This, my
‘ Lords, we may most certainly expect from his
‘ Majesty; but this shews, that even out of that re-
‘ gard which we ought to have for the crown, we
‘ ought to agree to the bill now before us; because
‘ it will, for the future, put it out of the power of
‘ any person to impose upon the crown, by any
‘ false surmises, or malicious misrepresentations.

‘ I think, my Lords, I have now left no argu-
‘ ment against the bill unanswered, but that most ex-
‘ traordinary one, of its being time enough to guard
‘ against the evil of modelling an army for any bad
‘ purpose, after it has once happened: I hope it will
‘ be granted me, that the modelling of an army for
‘ the private and particular purposes of a minister,
‘ or ministry, is as bad a purpose as any that can be
‘ imagined; and I think I have shewn, that such a
‘ modelling was actually set on foot in the end of the
‘ late Queen’s reign, and something like it happened
‘ even in his late Majesty’s time; and therefore it
‘ must be granted, that it is now high time to think
‘ of guarding against it; but if it be meant, that
‘ nothing like it has happened in his present Maje-
‘ sty’s time, the argument will be still more extraor-
‘ dinary, for does not every one know, that before
‘ such a bill can pass into a law, the King, at that
‘ time upon the throne, must give his consent to it,
‘ and if any King, by the advice of an evil minister,
‘ should once actually begin to model his army,
‘ would it not be ridiculous to expect the consent of
‘ that

‘ that King, to a law for putting a stop to what he
‘ had actually begun ; so that his Majesty’s never
‘ having attempted any such thing, is one of the
‘ strongest arguments for our passing the bill now
‘ before us ; because it is only from such a just and
‘ such a gracious King as the present, that the royal
‘ assent to such a bill can ever be expected.

‘ I hope, my Lords, I have now fully shewn the
‘ weakness of all the objections that have been made
‘ to the bill : But as to the arguments for it, they
‘ are strong, they are convincing : I shall only touch
‘ upon that one, which I think has the greatest con-
‘ nection with the nature of our constitution. It
‘ is well known, my Lords, that there are many
‘ officers of the army who have nothing, or at least,
‘ very little, to subsist on, but their commissions ;
‘ and it is likewise well known, that there are many
‘ gentlemen of the army now in both houses of Par-
‘ liament : There are now, my Lords, more officers
‘ of the army in each house of Parliament, than
‘ there were when we had on foot an army of above
‘ sixty thousand men : These are facts which will
‘ not, I believe, be controverted. It is, I do not
‘ know how, become, of late years, a prevailing opi-
‘ nion, that the only best way of getting preferment
‘ in the army, is to have a seat in this or in the other
‘ house of Parliament : This, it is true, my Lords,
‘ must be an erroneous opinion : It is impossible that
‘ any man can justly and honourably acquire any
‘ preferment in the army, by his behaviour in either
‘ house of Parliament, and therefore, this must be
‘ an opinion for which I hope there never was any
‘ ground ; I am sure there can be no ground for it
‘ under his present Majesty ; but erroneous as it is,
‘ it is become a general opinion, and we know that
‘ mankind always were, and always will be govern-
‘ ed and influenced by general opinions and preju-
‘ dices ; and according as the prevalence of this opi-
‘ nion

‘ nion increases, we may expect an increase of the
‘ number of officers in both houses of Parliament.

‘ We may expect, my Lords, that, in future
‘ times, as soon as any gentleman has once got a
‘ commission in the army, he will next employ all
‘ his money and credit, and all his friends, to pro-
‘ cure himself a seat in Parliament ; he will, per-
‘ haps, pawn the last shilling’s-worth he has in the
‘ world, besides his commission, in order to procure
‘ himself a seat in the other house of Parliament,
‘ and how dangerous it may be to our constitution,
‘ to have such a man depending for the continuance
‘ of that commission, upon some future enterprising
‘ minister, I leave to your Lordships to judge. No
‘ man has a better opinion than I have of the gentle-
‘ men who are at present the officers of our army ;
‘ but I must say, that I think it too hard a trial,
‘ even for their virtue, especially in this degenerate
‘ age, to leave it in the power of a desperate mini-
‘ ster, to tell them, upon occasion of an important
‘ question in Parliament, If you do not vote, Sir,
‘ as I direct you, you shall starve !

‘ Your Lordships are, I am sure, all convinced,
‘ that the happiness, the essence of our constitution,
‘ does not depend upon outward forms, but upon
‘ realities. Our constitution does not depend upon
‘ our having always a Parliament ; but upon that
‘ Parliament’s being independent of the administra-
‘ tion ; upon its being in the power of Parliament
‘ to examine severely, and judge impartially the
‘ conduct and the measures of those employed in the
‘ administration ; to represent the grievances, and
‘ watch over the liberties and the properties of the
‘ people of this nation ; and to take away evil coun-
‘ sellors from before the King : But if ever a major-
‘ ity of both houses of Parliament, should come to
‘ be composed of gentlemen, whose daily bread, or
‘ at least, their chief support, depended intirely up-
‘ on the favourites of the crown, can it be imagined,
‘ that

‘ that it would then be in the power of Parliament
‘ to examine freely, or judge impartially, the con-
‘ duct of those favourites ; to relieve the people
‘ from the oppressions brought upon them by such
‘ favourites ; or to tell their sovereign any ungrate-
‘ ful truths about those, whom he had thought fit to
‘ employ as his ministers ? Would not an arbitrary
‘ negative be then put upon all such questions in
‘ Parliament ? Would not the best designs of the
‘ uncorrupted and independent few, be baffled by
‘ a corrupt and a slavish majority ? And shall any
‘ question which tends towards the preventing of
‘ such a misfortune, have now the ill fate to be re-
‘ jected by your Lordships ?

‘ The bill now before us, is so far from being an
‘ attack upon the prerogative, that it is in the very
‘ same terms with a bill drawn up in the very last
‘ reign, by as able and as honest a minister as ever
‘ served the crown : He was indeed an honest and a
‘ disinterested minister ; for he had the happiness of
‘ his country so much at heart, that he neglected his
‘ own, and has left little else to his son, but the ho-
‘ nour of having a seat among your Lordships : The
‘ bill, I say, my Lords, was not only drawn up, but
‘ even his late Majesty, who never could be accused
‘ of allowing of any unjust encroachments upon the
‘ crown, had, by the advice of that minister, agreed
‘ to its being brought into Parliament : And if it
‘ had been brought in at that time, which was, I
‘ do not know how, prevented, not only the mini-
‘ sters of the crown were ready to have supported it,
‘ but the King himself was ready to have given it
‘ the royal assent, as soon as presented to him for
‘ that purpose. This, my Lords, I know to be
‘ true, and therefore, I am the more surpris’d to
‘ hear the offering of such a bill now represented as
‘ an attack upon the prerogative, an affront to the
‘ King.

‘ We all know, my Lords, that there is nothing
‘ proposed to be done by this bill, but what has been
‘ done in every country, where there are any remains
‘ of liberty left. In *Holland*, no officer was, I be-
‘ lieve, ever removed but by a court martial; I do
‘ not remember that ever any was, nor do I know
‘ any other way, by which an officer can be broke
‘ or removed in that country. In *Sweden*, as soon
‘ as they recovered their liberties, by the death of
‘ their late heroic King, they established this rule
‘ among them, that no officer should be removed or
‘ broke, but by a court martial, or by the King with
‘ the consent of the senate. And in *Poland*, their
‘ late King having made strong and repeated remon-
‘ strances to the states of that kingdom, to have a
‘ body of regular troops raised, and kept up, the
‘ states at last consented to it; But how did they
‘ consent? They agreed indeed to the raising of the
‘ troops asked for, but with this regulation, that all
‘ the officers should have their commissions for life,
‘ which was a wise and a necessary regulation; but
‘ whatever designs or views the court of *Poland* had
‘ in asking for those troops, they found, that the
‘ raising of them, and keeping them up under that
‘ regulation, would so little answer the ends they
‘ thereby had proposed to themselves, that they
‘ never put the ordinance, which they had so strong-
‘ ly solicited, in execution, nor was there a man
‘ raised upon that foot. In short, my Lords, the re-
‘ gulation intended by this bill, is a regulation that
‘ has been thought necessary in all free countries;
‘ in this, I think it is absolutely necessary for the
‘ preservation of our constitution; I can see no
‘ reasonable objection that can be made to it, and
‘ therefore I shall still be for a second reading.’

After his Lordship, the Lord *Willoughby*, and the
Earl of *Abingdon*, spoke both in favour of the bill,
and then the question was put, which upon a division,
‘ was

was carried in the negative : There were of Lords present, 49 Contents to 78 Not Contents ; and of proxies, there were 13 Contents, and 22 Not Contents ; in all 62 Contents, and 100 Not Contents ; so that it was carried against the second reading by a majority of 38. Immediately after the carrying this question,

Earl of Scarborough's
speech.

The Earl of *Scarborough* stood up, and spoke as follows, *viz.* ‘ Before this question was put, I had
‘ not, my Lords, an opportunity to give my senti-
‘ ments upon it, though I had fully considered it ;
‘ and I had the more fully considered it, because I
‘ thought, that both my own honour, and the hap-
‘ piness of my country, were deeply concerned in
‘ the question : However, I shall now take an op-
‘ portunity to declare, that I never gave my nega-
‘ tive to any question in this house more heartily, or
‘ with greater conviction, than I did to the second
‘ reading of this bill ; which really, in my opinion,
‘ is one of the most extraordinary bills that was ever
‘ brought before this house, and therefore I must
‘ think, that it deserves something more, than the
‘ putting of a bare negative upon its being read a
‘ second time.

‘ It has often been endeavoured, by many Lords
‘ in this house, to set a regular standing army in the
‘ most terrible light ; and great art has formerly
‘ been used to shew the dangerous consequences of
‘ such an army ; but in all the debates that have hap-
‘ pened in this house, upon that head, there never
‘ were any such fatal consequences pretended, as I
‘ should have dreaded from a standing army, under
‘ the regulations prescribed in this bill, had it passed
‘ into a law. While our army continues in the state
‘ it is in at present, while it depends upon the Par-
‘ liament for its very existence, and while the offi-
‘ cers depend upon the King for the continuing of
‘ them in their respective commands, I shall never
‘ have

‘ have any fears about the consequences which may
‘ from thence ensue ; but if this bill had passed into
‘ a law, our army had been made independent both
‘ of King and Parliament. The officers would then
‘ have depended upon no power but their own ;
‘ they would soon have begun to think, that they
‘ had a legal right to their commissions, and conse-
‘ quently to their pay ; and if both King and Par-
‘ liament had joined in opinion, for reducing any
‘ number of them, they would have looked on it as
‘ an injury done them, and would have been apt to
‘ have joined all together to prevent the effect of any
‘ such resolution ; and if they had, I would be glad
‘ to know, how the resolutions of King and Parlia-
‘ ment could have been made effectual against them ;
‘ whereas, while they remain in the dependent state
‘ they are in at present, they know they have no
‘ longer any right, either to their commissions or to
‘ their pay, than it shall please his Majesty to conti-
‘ nue them in their command, and therefore they
‘ readily submit, whenever his Majesty finds it pro-
‘ per to reduce any number of them.

‘ This, my Lords, would have been the conse-
‘ quence as to the public ; but then as to private
‘ persons, the most terrible oppressions might have
‘ ensued, from making the officers subject to no
‘ power but their own. The officers of the army,
‘ like all other sets of men are apt to favour one
‘ another ; they are likewise apt to favour the com-
‘ mon soldiers, as being of the same body with them-
‘ selves : We all know, how many little acts of
‘ oppression may be committed by the officers and
‘ soldiers, in their respective quarters, and otherwise,
‘ which cannot come under the cognisance of the
‘ common law. If, in such cases, the officer should
‘ be guilty of oppressions, or should connive at the
‘ irregularities committed by the soldiers under his
‘ command, we may easily judge what would be the
‘ consequence, if the offender could not be any way

‘ punished, but by a trial and sentence of his brother
‘ officers in a court martial, who might probably be
‘ all guilty of the same crimes and irregularities:
‘ And if, in such cases, the officers had nothing to
‘ fear, either from King or Parliament, we may most
‘ certainly conclude, that our regular army would
‘ soon become intolerably irregular, and would be-
‘ come a most insupportable grievance to the people,
‘ in all parts of the country thro’ which they should
‘ happen to march, or where they should happen to
‘ be posted.

‘ This, I find, my Lords, was an inconvenience
‘ which the projectors of this bill were aware of;
‘ and therefore they have pretended to contrive a re-
‘ medy for this evil, by leaving officers liable to be
‘ broke, or removed by his Majesty, upon an ad-
‘ dress from either house of Parliament; but I am
‘ afraid, that this remedy would have been soon
‘ found to be altogether ineffectual. The principal
‘ reason assigned for bringing in this bill, was, be-
‘ cause the officers of the army are now become nu-
‘ merous in both houses of Parliament, and may
‘ soon become more numerous, so as at last to be
‘ able to bear too great a sway in both houses. If
‘ this be the case, as they are situated at present,
‘ would not we have much more to fear from their
‘ numbers and sway in Parliament, if they had a
‘ sort of freehold in their commissions; which they
‘ would have had, if this bill had passed into a law?
‘ Would not the holding of their commissions for
‘ life have made every one of them more consider-
‘ able in the country than they can possibly be, in
‘ the precarious condition they are in at present?
‘ And if you had added to their weight and interest
‘ in the country, would not you of course have in-
‘ creased their numbers and their sway in both hou-
‘ ses of Parliament? This, my Lords, I look upon
‘ as a most certain consequence; and are we not rea-
‘ sonably to suppose, that all the officers in both
‘ houses

‘ houses of Parliament would have joined, not only
‘ in voting, but in making all the interest they could
‘ against any motion for such an address? This
‘ would certainly have been the case; and if this bill
‘ had passed into a law, I am convinced, the offi-
‘ cers of the army would soon have got such an in-
‘ terest in both houses of Parliament, that it would
‘ have been impossible to have procured an address
‘ from either house, for the removal of any one of
‘ them. The officers who had seats in Parliament,
‘ would, upon any such motion, naturally have told
‘ you, why this extraordinary remedy? If the man
‘ is guilty, send him to us; we’ll try him, and break
‘ him by the sentence of a court martial; and if he
‘ be not guilty, he ought not to be broke; he ought
‘ not to be oppressed by a vote of either house of
‘ Parliament.

‘ At present, my Lords, if any of the officers of
‘ the army commit any act of oppression, or allow
‘ the soldiers under their command to commit any
‘ irregularities upon the poor people among whom
‘ they are quartered; the honest countryman has a
‘ ready redress; he represents his case to his land-
‘ lord, and his landlord, either by himself, or by
‘ some gentleman of his acquaintance, gets the poor
‘ man’s case laid before the secretary at war, who
‘ represents it to the King; and if an officer should
‘ be often found guilty of such little trespasses, to
‘ be sure his Majesty would cashier him, which cer-
‘ tainly is a check upon the behaviour of those of-
‘ ficers, whose inclinations may, perhaps, be very
‘ strong towards acts of oppression: But if this bill
‘ had passed, where should the poor man have gone
‘ to complain? If he had got his case represented to
‘ the secretary at war, and, by that means, to the
‘ King, what could his Majesty have done? He
‘ would have had no power to rectify the abuse, or
‘ to punish the offender: And if the officer had been
‘ brought before a court martial, they could not

‘ have inquired into the general course of his beha-
‘ viour; they could have inquired only into that
‘ particular fact, which they would not probably
‘ have found to be of weight enough to have broke
‘ a brother officer; and even as to that particular
‘ fact, it might have happened, that the court mar-
‘ tial was composed of officers who were most of
‘ them guilty of, and liable to be prosecuted for,
‘ the same sort of crime; I believe it will not be
‘ supposed, that the poor injured man would have
‘ met with much redress from that court martial;
‘ who would have been loath to have encouraged
‘ such complaints, by giving a proper redress to the
‘ person complaining. This might have been the
‘ case as to courts martial, and how difficult it would
‘ have been for a poor countryman, perhaps, in some
‘ remote part of the island, or indeed for any man,
‘ to have obtained redress, by a complaint in Parlia-
‘ ment, I have already shewn.

‘ Whether this difficulty of obtaining redress, a-
‘ gainst an oppressive and unruly officer, would not
‘ have encouraged great licentiousness in the army,
‘ I leave to every one of your Lordships to judge.
‘ Even with all the power which the crown now has
‘ over the officers and the soldiers, it is a difficult
‘ matter to prevent their being sometimes a little
‘ troublesome in their quarters, or to keep up that
‘ regular and exact discipline which ought to be pre-
‘ served in an army; but if this bill had passed into
‘ a law, it would have been impossible to have pre-
‘ vented the one, or to have enforced the other:
‘ Nay, I do not see, my Lords, how it would have
‘ been possible for the colonel of a regiment to have
‘ commanded that submission and respect which is
‘ due to him, by the officers of his own regiment:
‘ All inferior officers would have become so inde-
‘ pendent of their superiors in command, that it
‘ would have been impossible to keep them to a
‘ strict observance of their duty: Every little fault,
‘ every

every little neglect of duty, could not have been brought before a court martial, and if it had, the officers would have been loath to have broke a brother officer for one little failing, of which they, or most of them, perhaps, had been guilty. Whereas, while the power of removing remains in the crown, the whole tenor of an officer's behaviour may be considered; and if, upon the whole, it appears to be bad, and without any hopes of amendment, his Majesty may, and certainly would, remove him from his post in the army.

In short, my Lords, the evil consequences of this bill are so numerous, that I hope your Lordships will endeavour to prevent any such bill's being brought in for the future, and therefore I shall move, that it may be rejected.

Upon which motion, the question was immediately put, and was carried in the affirmative, without a division.

On occasion of putting a negative on the former question, the following protest was entered.

The question being put upon the first motion,
It was resolved in the negative.

Contents	49	}	62
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Dissentient.

1. **B**Ecause the exigence of affairs in times past, or complaisance of former Parliaments, have, for several years, occasioned the keeping up a considerable body of land forces in this kingdom; and, as various events may happen, to oblige future Parliaments to pursue the same measures, which nothing but the utmost necessity can justify, they being repugnant to the nature of our constitution, and dan-

Protest on
account of
the officers
bill.

gerous to the liberties of a free people ; and, as the whole disposition of the said forces is absolutely in the crown, we cannot but think it highly reasonable, that when so great an increase of power and influence, which was formerly occasional and rare, comes to be annually vested, and constantly exercised by the crown, that some such limitations, as are proposed by this bill, are not only proper, but necessary. And we are confirmed in that opinion, by the doctrine so often and so strongly laid down in this house, that the greatest danger to this nation, from a standing military force, must arise from the abuse of the power which now subsists, of cashiering officers, without any crime proved or alledged, and of garbling the army at pleasure. And we heartily wish, that nothing had since happened to put us in mind of that doctrine.

2. Because the employing or removing of all general officers would have been left in the crown, if this bill had passed into a law ; for the enacting clauses were only to this purpose, That no colonel, or other officer of inferior degree, having his commission from the crown, shall be cashiered or removed (other than to a higher post) or discharged from his commission, or be deprived of the pay belonging to the same, in any other manner than by a court martial, to be appointed by a commission under his Majesty's sign manual to any officer not under the degree of a field officer ; at the same time there is no provision in the bill, that nothing shall extend to prevent his Majesty, or his successors, from disbanding, breaking, or reducing all, or any of the regiments, troops or companies now in being, or which shall, or may be raised hereafter. And it is farther provided, That his Majesty and his successors may remove any officer, upon an address of either house of Parliament. We conceive, therefore, that as these posts would still have remained, upon all vacancies,
in

in the sole disposal of his Majesty, and that the persons now possessing them are liable to be removed for any breach or neglect of duty, by a court martial, or by address of either house of Parliament, the prerogative of the crown would be no other ways abridged or altered, than it has been on many other occasions, particularly in that instance, of making the Judges to hold their places *Quamdiu se bene gesserint*, which were formerly during pleasure only: Which alteration has been always approved, and we hope will, in no time to come, ever be attempted to be repealed.

3. Because the practice of all the nations in *Europe*, even where the government is most arbitrary, justifies the intention of this bill, for no instance can be produced in any other kingdom or state (as we believe) where officers are cashiered or deprived of their commissions, otherwise than by the judgment of a court martial; how much stronger reasons then have we of this nation to establish such a rule, since our officers are many of them in a capacity of having a share in the legislature, where it is absolutely necessary for the preservation of the constitution, that every member should be free and independent; and more particularly at this time, when we find the number of officers having seats in Parliament, far greater than ever it was, even in time of war, when above three times the number of the present troops were kept on foot?

4. Although it was objected in the debate, That in time of danger, upon suspicion of traitorous practices, it might be necessary to remove an officer from his post, though the informations might not be ready to be produced, or proper to be laid before a court martial; and yet by such officers continuing in their posts, great mischiefs might accrue to his Majesty and the public: We

apprehend, that objection received a full answer, That, in such a case, an officer might be immediately put under arrest, or sent to some other post, where he could not be so dangerous : And we conceive, such a method of proceeding will always be thought most proper, when the crime is only suspected, but not capable of legal proof ; for it must be allowed, as unjust to condemn a man upon suspicion only, as it would be unreasonable, to let a *man continue in power*, who is *justly under suspicion* ; that part of the prerogative, which will always be esteemed the brightest jewel of the crown, the power of conferring grace and favour, would have remained intire, had this bill passed into a law ; only the disagreeable part of inflicting punishments, was designed to be limited, or rather secured by this bill, from being turned to an ill use, by the private whispers of some *malicious or vindictive minister*, who may, at any time hereafter, unhappily get possession of the royal ear.

5. Because the time for the new elections drawing near, we look upon this as the most favourable opportunity of passing so necessary a bill, since hereafter the very great increase, which may probably happen, of the number of officers in Parliament, may render the future passing of such a bill totally impracticable : For while the officers of the army remain in their present precarious situation, they may be intimidated by the threats of an *unforgiving minister*, from voting even for a bill of this nature, and chuse to purchase present security at the price of their own interest, and their future independence in Parliament, in which the liberty of their country is so much concerned.

6. Because we conceive the small degree of independence, proposed to be given to the officers of the army by this bill, to be necessary to prevent
their

their being exposed to temptations, in which (tho' we are ready to do justice to the sentiments of honour and virtue in these gentlemen) we should rather lament than wonder, to find a discouraged and indigent virtue yield to a criminal, but prosperous compliance; especially should we have the misfortune, to see an *imperious, all-grasping, power-engrossing minister*, who may make their political submission to his oppressive and destructive schemes, the only test of their merit, and the only tenure of their commissions.

Winchelsea and
(*Nottingham,*
Scarsdale,
Warrington,
Suffolk,
Marlborough,
Marchmont,
Weymouth,
Tweedale,
Chesterfield,
Carteret,

Oxford and Mort.
Willoughby de Br.
Clinton,
Boyle,
Berkshire,
Massham,
Denbigh,
Litchfield,
Craven,
Montrose,
Ker,

Gower,
Bruce,
Strafford,
Bathurst,
Bedford,
Bolton,
Cobham,
Tadcaster,
Bridgewater,
Cardigan,
Gryffin,
Foley.

Then the Lord *Carteret* stood up, and after a short speech, moved, 'That an humble address should be presented to his Majesty, that he would be graciously pleased to acquaint the house, who advised his Majesty to remove the Duke of *Bolton*, and the Lord Viscount *Cobham*, from their respective regiments, and what crimes were laid to their charge.

Motion for
an address
about removing two noble Lords.

Whereupon the Earl of *Illy* stood up, and spoke as follows, viz. 'My Lords, the motion which the noble Lord has been pleased to make, is, I think, a very new, and a very extraordinary motion, and it is the more extraordinary, in that his Lord-

Earl of Illy's
speech.

‘ Lordship has been pleased to make it just after he
‘ has seen the bill, offered by some of his friends,
‘ rejected by this house; for to me it appears
‘ plain, that since the Lords who offered that bill
‘ find that this house will not agree to the bill
‘ they were pleased to offer, they are resolved upon
‘ endeavouring to obtain by motion, the very same
‘ thing, which they had endeavoured to obtain by
‘ their bill.

‘ The design of the bill was, to take away from
‘ the crown the power of removing the officers of
‘ the army, and to enact, that for the future no offi-
‘ cer should be removed but by a court martial, or
‘ by an address from either house of Parliament.
‘ This the house has, I think, for very good reasons
‘ refused to agree to; and therefore now they pro-
‘ pose to us to demand from his Majesty the reason
‘ why he has removed two officers from their com-
‘ mands in the army. Surely every one of your
‘ Lordships must see, that such an address would
‘ have the very same effect; for if such a precedent
‘ should once be made, it would soon become an
‘ usual custom: If ever his Majesty, or any of his
‘ successors, should at any time hereafter think pro-
‘ per to remove any officer from his command in
‘ the army, there would immediately be an address
‘ from one, perhaps from both houses of Parliament,
‘ demanding his Majesty’s reasons for the removal
‘ of that officer; and in case the reasons given should
‘ appear to Parliament not to be sufficient, we need
‘ not doubt but that the first address would be fol-
‘ lowed by a second, for replacing that officer, which
‘ the King would be obliged to comply with, or fall
‘ out with his Parliament; so that neither his Ma-
‘ jesty, nor any of his successors, would ever venture
‘ to remove an officer from his command in the
‘ army, but by the sentence of a court martial, or
‘ in pursuance of an address previously obtained
‘ from Parliament for that purpose.

‘ Thus, my Lords, it is plain, that the address
 ‘ now moved for, would make such a precedent, as
 ‘ would have the same effect with the bill which
 ‘ your Lordships have just now been pleased to re-
 ‘ ject. Nay, it is certain, that the precedent would
 ‘ have a more extensive effect, and worse conse-
 ‘ quences, than the bill could have had; because the
 ‘ bill was confined, it went no higher than colonels
 ‘ of regiments, but the precedent introduced by the
 ‘ address now moved for, would be unconfined, it
 ‘ would extend to generals, it would even extend
 ‘ to the general in chief; and therefore it must be
 ‘ agreed, that all those arguments, which most just-
 ‘ ly weighed so much with your Lordships, as to
 ‘ make you reject the bill, must militate more
 ‘ strongly against the address now proposed. Those
 ‘ arguments have been already so clearly and so
 ‘ fully stated, that I am sure I neither need to repeat,
 ‘ nor can I add to them, but shall only say, that as
 ‘ I was against the bill, so I shall likewise be against
 ‘ the address; and I cannot but believe, that every
 ‘ Lord in this house who joined with me in opinion
 ‘ upon the former question, will do me the honour
 ‘ to join me likewise in this.

Lord *Bathurst*. ‘ As to the particular case now Lord Bathurst's speech.
 ‘ before us, if it be something new, it is not at all
 ‘ to be wondered at; because it is but lately that we
 ‘ have had any such thing as a standing army, and,
 ‘ even since we have had a standing army, it has been
 ‘ but very seldom that any gentleman has been re-
 ‘ moved from his command in the army, without
 ‘ so much as a pretence for so doing, which is the
 ‘ case now before us; there was not, I believe, so
 ‘ much as a pretence for the removals which have
 ‘ given occasion for this motion; there was, at least,
 ‘ no just pretence that the public have ever yet heard
 ‘ of. But as to the case in general, my Lords, it is
 ‘ neither

‘ neither new nor extraordinary; for it is well
‘ known, that this house has often addressed the
‘ King to know, who were his advisers as to some
‘ particular step that has been taken: This is what
‘ appears often upon the journals of your Lordships
‘ house, and it is one of the chief ends of our sitting
‘ here: We are his Majesty’s great council, and if
‘ his Majesty, or any of his successors should ever,
‘ by wicked counsellors, be prevailed on to do what
‘ is publicly and generally complained of, we are
‘ obliged, both in honour and duty, to inquire into
‘ the affair, and to address his Majesty to lay before
‘ us the reasons for his so doing, and to inform us
‘ who it was that advised him to take such measures;
‘ that so the measures, if right, may be justified,
‘ and, if wrong, that the indignation of the people
‘ may be removed from the throne, that their re-
‘ sentment may fall, as it ought, upon those that
‘ advised such measures, and that the evil counsel-
‘ lers may meet with that punishment which they
‘ deserve. This, my Lords, is really the case now
‘ before us, a measure has been taken which has
‘ raised a general clamour, and we are the more
‘ concerned in it, because the two officers who have
‘ been removed are both members of this house. I
‘ make no doubt but that very sufficient reasons
‘ have been shewn to his Majesty for removing
‘ them; but I have so good an opinion of the two
‘ noble Lords, that I am convinced, the reasons
‘ which have been shewn to his Majesty for their
‘ removal, are false, and were grounded only upon
‘ misrepresentations.

‘ ’Tis true, my Lords, I was one of those Lords
‘ who voted for the bill, which your Lordships have
‘ been pleased to reject. I must say, that I have as
‘ yet heard nothing that can make me alter my opi-
‘ nion, and since it has been said, that the same ar-
‘ guments which prevailed with your Lordships to
‘ reject that bill, must now prevail with you to re-
‘ ject

ject this motion, I shall beg leave to take some notice of those arguments. I was, indeed, a little surpris'd to hear it said, that by the bill, the officers of the army were to acquire a sort of freehold in their commissions. I believe your Lordships would not agree to take any particular man's freehold from him, even by an act of Parliament, without giving him an equivalent; but notwithstanding any provision in the bill, an officer was to remain liable to have his commission taken from him by an address only, without any cause assigned, or equivalent given; nay, by breaking or reducing the regiment, all the officers of the regiment might have been turned out of their commands by his Majesty's single authority; which shews, that though the bill had passed, it would have given them no manner of freehold in their commissions: It would, in reality, have given the officers no farther right to their commissions than they have at present; for it is certain, that every officer has now a right to his commission, as long as he behaves well, and the corps to which he belongs is kept intire; no officer ought, or can justly, be turned out of his bread, as long as he behaves well; and all that was propos'd to be done by the bill, was, to subject the behaviour of an officer to the judgment of a court martial, or a house of Parliament, instead of leaving it subject to the judgment of ministers of state or court-favourites: The officers therefore, if the bill had passed into a law, could not have imagined, that they had any better right to their commissions or their pay, than they now have; and consequently, there could never have been any more danger or difficulty in reducing the whole, or any part of the army, than there is at present.

But, my Lords, supposing that the officers of the army were to be rendered, as to the holding of their commissions, intirely independent both of
King

‘ King and Parliament, surely if any danger were
‘ to be apprehended from them, in such a state, in
‘ case they should unite against King and Parlia-
‘ ment, under a general of their own chusing, the
‘ Parliament, and consequently the people, have
‘ much more to fear from them, in their present
‘ state, in case some future King should think pro-
‘ per to make use of them for the destruction of Par-
‘ liaments, and for overturning the liberties and
‘ privileges of the people ; for certainly it would
‘ be much more easy for the army to unite together
‘ under the King, who is their chief general by law,
‘ than under any one of their own chusing, which
‘ very choice would be a flying in the face of the
‘ law ; and this union would certainly be the more
‘ easily effected, by the King’s having the power he
‘ has at present, of turning out and putting in whom-
‘ soever he pleases : The noble Lords who oppose
‘ this motion, may talk of the dependence of the
‘ army upon Parliament ; but if the case be examin-
‘ ed strictly, it will appear, that the army has real-
‘ ly no dependence upon Parliament : The King
‘ indeed depends upon Parliament, for a legal power
‘ of keeping up a standing army in time of peace,
‘ and for enabling him to pay them and discipline
‘ them according to law ; but if in any future time
‘ the Parliament should think it necessary to reduce
‘ a part of the army, and of consequence make no
‘ provision for their pay, the resolution of Parlia-
‘ ment could not break any one regiment, or any
‘ part of any one regiment, in the kingdom ; the
‘ officers might all legally continue in their respec-
‘ tive commands, and if the King then upon the
‘ throne should not think fit to break any of them,
‘ they might, indeed, then very probably think,
‘ that they had a good right to their pay as long as
‘ they continued in commission ; and if they could
‘ not get it by law, they might probably join with
‘ the King in raising it contrary to law, especially
‘ if

‘ if he, foreseeing what would happen, had taken
‘ care to model them for that purpose, which any
‘ King might soon do, while the army continues up-
‘ on the footing it is on at present; and for this
‘ reason, my Lords, I must be of opinion, that all
‘ those arguments, which have been used for shew-
‘ ing us the danger of making an army independent,
‘ are so many arguments for shewing the danger of
‘ our army’s being intirely dependent upon one
‘ branch only of our legislature, and consequently
‘ are good arguments for the bill, which was design-
‘ ed to make the army not intirely dependent upon
‘ any one, but upon all the three branches of our
‘ legislature.

‘ As to the submission, and obedience of inferior
‘ officers to their superiors, it is, my Lords, so
‘ strongly inforced by the martial law, and it is so
‘ much the interest of every officer to see it punctu-
‘ ally observed, that no court martial could, or
‘ would incline, either to avoid or defer giving sen-
‘ tence, wherever any the least crime of that nature
‘ should appear; and as to all sorts of neglect of
‘ duty, we know, that it is generally the other offi-
‘ cers of the corps that suffer most by such neglect,
‘ and therefore we may depend on it, that they
‘ would always take care to see the laws of war duly
‘ put in execution, against all such negligent per-
‘ sons; and in this we may believe they would be
‘ the more exact, the less dependent they were upon
‘ ministers of state, or court-favourites; for it is well
‘ known in the army, that those who are most fre-
‘ quently guilty of such crimes, and meet with most
‘ indulgence, are those who are the relations or the
‘ favourites of ministers of state, or such other per-
‘ sons who are supposed to have great interest at
‘ court; and therefore I think I have good reason to
‘ presume, that if this bill had passed into a law, it
‘ would have greatly conduced to the observance of
‘ the

‘ the most exact military discipline among all degrees of men in the army.

‘ I am surpris’d, my Lords, to hear it pretended, that the making of the officers of the army, in some small measure only, independent of a Secretary at war, or other minister of state, would tend towards the making court martials connive at the oppressions or abuses that might be committed, either by officers or soldiers, in the places where they were quartered, or in the places thro’ which they happened to march ; I am sure there is no ground that I know of for such a pretence ; and as I never yet heard that any officer was so much as suspended by the Secretary at war for such practices, I must think, that it is the fear of punishment from a court martial, that has hitherto kept both officers and soldiers pretty much within bounds, in that respect. It is certain, that there is not the least crime of this nature, but what may be brought before a court martial, and may be punished by them : In such cases, a court martial as well as the secretary at war, may consider the general character of the offender, and may proportion the punishment according to it ; and I do not doubt, but that they would break any officer in the army, if, upon inquiry, it should be found, that he had often been guilty of oppressing the poor country people upon whom he was quartered, or had been guilty of but one very heinous crime of that nature. But if any poor country inn-keeper or victualler should be refused a proper redress, by means of a trial before a court martial, could not he easily have access to some of the Lords of this house, or to some of the members of the other, who could represent his case to Parliament, where he certainly would meet with a proper redress, not only against the first offender, but even against the officers of the court martial, who had refused him justice, in the ordinary way : Whereas, if any

‘ Lord

‘ Lord of this house, or any member of the other,
‘ should now make any such complaint, he would,
‘ probably, be told, that his complaint was irregu-
‘ lar ; it ought first to have been made to the secre-
‘ tary at war.

‘ But, my Lords, we have been told, that if
‘ every officer of the army was to have his commis-
‘ sion *Quam diu se bene gesserit*, their interest in the
‘ country, and their numbers in Parliament, would
‘ be greater than it is at present, and consequently
‘ that they would have so much influence in Parlia-
‘ ment, as to prevent the obtaining of an address
‘ from either house, against any of the officers of
‘ the army. My Lords, that their natural interest
‘ in the country would be greater, and deservedly
‘ greater, I do not doubt, but that their numbers,
‘ or their influence in Parliament, would be greater,
‘ I very much question ; for if they were to expect
‘ no private advantages by their being in Parlia-
‘ ment, they would not, I believe, be so very fond
‘ of being members of either house ; and if they
‘ had no dependence upon the court, with respect
‘ to elections, they would be upon the same foot-
‘ ing with other gentlemen ; whereas, while they
‘ have an intire dependence upon the court, it is to
‘ be feared, that in every place, where an officer
‘ sets up as a candidate against a country gentle-
‘ man, the officer will be supported by the court,
‘ and the additional interest an officer must have, by
‘ his being supported by the court, will generally
‘ be greater than any additional interest he could
‘ acquire by his having his commission *quam diu se*
‘ *bene gesserit* : And thus I think it must appear evi-
‘ dent, that if the bill had passed into a law, the
‘ number of officers in Parliament would not have
‘ been so great, as it may probably be, if they con-
‘ tinue upon the footing they are on at present.

‘ Now as to their influence in Parliament, is it
‘ to be supposed, that any set of men can ever unite
‘ so generally, or so firmly, in any case, especially
‘ such a dishonourable case, as that of screening a
‘ guilty person? Is it, I say, to be supposed, that
‘ they will unite so firmly when there is no band of
‘ union among them, but that of their being of the
‘ same profession, as they may be supposed to do,
‘ when there is not only that band of union among
‘ them, but this farther band, of every man’s com-
‘ mission depending upon his uniting with the rest
‘ under a ministerial leader? This is the influence,
‘ my Lords, that we are to be afraid of: It is not
‘ the influence of the officers only, even supposing
‘ them to join together; but it is when their influ-
‘ ence in Parliament is not only directed by the
‘ crown, but added to all the other influences, which
‘ the crown may have, and must at all times have,
‘ in Parliament. It is by this union of influences
‘ that our constitution may be overturned; and this
‘ is the danger which by this bill was proposed in
‘ part, at least, to be obviated.

‘ It is well known, that a dependence upon the
‘ crown, is a dependence upon the minister, and if
‘ ever such a dependence should come to be absolute,
‘ it is to be feared, that the military sword may
‘ come to move always according to the directions
‘ of the ministerial sword, that hangs over it; and
‘ that the votes of those officers, who may hereafter
‘ happen to be members of either house of Parlia-
‘ ment, may be generally directed by the minister,
‘ upon whom their commissions depend. It is to be
‘ feared, my Lords, that preferment or disgrace in
‘ the army, may come to depend, not upon military
‘ virtues, or military crimes, but upon obedience or
‘ disobedience to the most unjust commands of a
‘ prime minister: This is what, I think, ought to
‘ be prevented, if possible. I will admit, nay, I
‘ desire, that the paths of preferment may be made
‘ like

‘ like the paths of virtue : Let them be rough and
 ‘ rugged, but, for God’s sake, my Lords, do not let
 ‘ us allow them to be miry and dirty.

‘ There is, my Lords, a very great difference be-
 ‘ tween the motion now before us, and the bill which
 ‘ your Lordships have been pleased to reject : By
 ‘ the address moved for, it cannot so much as be
 ‘ pretended, that there is any attack made upon the
 ‘ prerogative of the crown, or that the power of the
 ‘ King over the army is to be any way touched ;
 ‘ nor can it justly be said, that this would lay a pre-
 ‘ cedent for addressing the King upon every occa-
 ‘ sion, when his Majesty, or any of his successors,
 ‘ should think proper to remove an officer ; there
 ‘ can never be a precedent pretended from the ad-
 ‘ dress now proposed, but when such removes may
 ‘ occasion a general discontent and murmuring in the
 ‘ nation, and in such case, I hope your Lordships
 ‘ will all grant, that such a precedent would be of
 ‘ great use ; and that it is the duty of this house to
 ‘ address upon all such occasions ; for in such cases
 ‘ it will always be of great service to the King, be-
 ‘ cause it will afford him an opportunity of satisfy-
 ‘ ing the public, that what he did was right, or of
 ‘ doing justice to those who had suffered by calum-
 ‘ nies and misrepresentations ; and therefore, I make
 ‘ no doubt, but that many of those Lords, who vo-
 ‘ ted against the bill, will join with me in voting
 ‘ for this address.’

The Earl of *Cholmondeley*, among other things, The Earl of Cholmondeley’s speech.
 ‘ spoke to the following effect, *viz.* ‘ I cannot, my
 ‘ Lords, believe, that the complaints against the re-
 ‘ moving of the two noble Lords mentioned in the
 ‘ motion now before you, are so great, or so general,
 ‘ as some Lords have been pleased to represent ; for
 ‘ in all the companies that I have ever been in since
 ‘ these two noble Lords were removed, I have not

‘ heard so much as one complaint against it ; and as
 ‘ the generality of those complaints, is the principal
 ‘ reason given for agreeing to the address proposed,
 ‘ I must therefore be of opinion, that there is no
 ‘ occasion for any such address.’

Earl of
Abington's
 speech.

The Earl of *Abington* stood up next, and, among other things, spoke thus : ‘ My Lords, a very good, and a particular reason may be given, why the noble Lord, who spoke last, has heard no complaint made against the removal of the two noble Lords, mentioned in the motion for this address. It would not perhaps be very polite, it would not even be good manners, in his Lordship's company to find fault with the removal of those two noble Lords, or with any other measure that has lately been taken ; but if every Lord in this house, who has heard a complaint made against that measure in particular, shall give his vote for the address proposed, I believe it is no difficult matter to determine, what will be the fate of the question.’

Duke of
Argyle's
 speech.

The Duke of *Argyle*. ‘ I did not before, my Lords, give the house any trouble, or offer to give my reasons against the bill, because, as I thought it a very new thing, and a very extraordinary one too, I thought, that the Lords, who appeared to be for it, ought to have given their reasons for being so, before it could be expected, that any Lord should give his reasons for being against it ; for it is known to have been always the custom of this house, that, when any thing new is proposed or offered, the Lords who are for it, give their reasons, and all that the other Lords have to do, is, to shew, that those reasons are not sufficient for prevailing with the house to agree to what is proposed. In the present case, I did indeed hear a very handsome speech made in favour of the bill presented

‘ to

‘ to us ; a great many pretty things were indeed said
‘ in its favour, but in all that was said, I could not
‘ observe any real argument, or any reason offered
‘ for inducing us to make such an alteration in our
‘ constitution, as was proposed to be made by that
‘ bill.

‘ I hope, my Lords, there are no gentlemen in
‘ the army, that ever were, or ever can be prevailed
‘ on, either to act or speak contrary to their con-
‘ science, by the fears of being turned out of their
‘ commissions ; I hope there never will be any such
‘ in our army ; but if there are now, or ever shall
‘ be, any such abandoned men in our army, I am
‘ sure there was nothing proposed by the bill, that
‘ could have had any effect as to such men ; for it
‘ is well known, I believe every one of your Lord-
‘ ships is sensible, that, with all those men, who are
‘ ready to sacrifice their honour and their conscience
‘ to their private interest, the hopes of preferment,
‘ the hopes of a more lucrative post or employment,
‘ will always be as prevailing an argument, as the
‘ fears of losing what they have. I am persuaded,
‘ there is not a man in the nation, who would sacri-
‘ fice his honour and conscience, rather than lose
‘ 1000*l.* a year, which he enjoys, but would do the
‘ same, if he expected thereby to add but one single
‘ hundred a year to his former revenue ; and there-
‘ fore, in the only case, in which it can be supposed
‘ that the bill was necessary, it is plain it could
‘ have had no effect.

‘ I must indeed say, that, if I had spoke against
‘ the bill, I should have differed, as to some facts,
‘ from those noble Lords who spoke for it. It is
‘ very true, that there have formerly been removes
‘ in the army, but it is certain likewise, that many
‘ of those, who were removed, had no seats in Par-
‘ liament, and therefore it cannot properly be said,
‘ that the behaviour of gentlemen in Parliament

‘ was ever the cause of their being removed from
‘ their commands in the army. However, I shall
‘ say no more as to the bill, which, in my opinion,
‘ has been justly rejected.

‘ But, my Lords, as to the address proposed, I
‘ really think it worse than the bill itself: It is cer-
‘ tainly as great an attack upon the prerogative of
‘ the crown, as the bill was; for what signifies a
‘ prerogative, if the King is never to make use of it,
‘ without being obliged to give an account of his
‘ reasons for so doing to either house of Parliament,
‘ that shall please to call for such an account? The
‘ address, therefore, is as great an attack upon the
‘ prerogative, and it is a much more direct attack
‘ upon his present Majesty’s conduct. I am surpris-
‘ ed, my Lords, to hear such a noise made about
‘ the removal of two noble Lords from their com-
‘ mands in the army. It is true, there have been
‘ two Lords removed, but there has been but one
‘ soldier removed; and therefore, when Lords are
‘ pleased to talk of soldiers having been turned out
‘ of their commissions in the army, they ought not
‘ to talk in the plural number. Since then his
‘ Majesty has removed but one soldier, I can see
‘ no reason for pretending, in some manner at least,
‘ to call him to an account, by desiring him to lay
‘ his reasons for so doing, before either house of Par-
‘ liament: It is what was never offered to any of his
‘ predecessors, even when numbers of officers were
‘ removed at a time. There was no such address as
‘ this proposed, in a late reign, when many officers
‘ were at once turned out; officers, who were so far
‘ from having been guilty of any crime, or of any
‘ neglect of duty, that some of them were but just
‘ returned from victory. It must therefore be grant-
‘ ed, that what is now proposed, is without prece-
‘ dent in either house of Parliament; and for that
‘ reason, I am against agreeing to the motion.’

The Earl of *Anglesey*. ‘ I voted, my Lords, ^{Earl of Anglesey's speech.} for the bill, which your Lordships have been pleased to reject ; and I voted for it, because I heard, what I thought very strong and very convincing arguments offered for it, and not the least shew of any argument have I yet heard against it. What the noble Duke was pleased to take notice of, was a very good argument for offering an amendment to the bill, but it was no argument against the bill, and much less against the second reading of the bill. It is certain, that men are sometimes guided by their hopes, as well as by their fears ; but, surely, when the hopes of preferment, and the fears of starving, are put together in the scale, against virtue and conscience, they will, jointly, weigh more heavily, than either of them would do separately. I cannot allow, that every man, who may be governed and directed, in his way of acting and speaking, by the fear of starving, will likewise be directed by the hopes of preferment, or the hopes of a more lucrative post or employment ; for he must have a small share of virtue, and a very great share of ambition or covetousness, who is directed to act against his conscience, by the single hopes of preferment, or the hopes of a more lucrative employment ; and it must be granted, that there are many men, who have so little ambition or covetousness, that if they are but made sure of a moderate support for life, the hopes of preferment, or the hopes of adding to their yearly income, will have so little effect upon them, that, with even but a small share of virtue, they may hold out against the most alluring hopes : But it must be allowed, that the man, who stands his ground against the fears of being reduced to a starving condition, as well as against the hopes of preferment, and adding to his yearly income, must have a very great share of virtue ; a greater share, I am afraid, than most men can brag

‘ of in this degenerate age. As for those who are
‘ quite abandoned, and governed intirely by their
‘ own selfish ends, I believe it is not possible to make
‘ them honest or virtuous, but surely there are de-
‘ grees both of vice and virtue ; all men are not
‘ equally vicious, and if we could, by the bill’s be-
‘ ing passed into a law, but have preserved the vir-
‘ tue of some, it would certainly have been worth
‘ our while ; we could afterwards have amended it,
‘ if we had found, that what was done was not
‘ sufficient.

‘ As to the address now proposed, I cannot see,
‘ my Lords, how it is possible, that an humble ad-
‘ dress from either house of Parliament can be deem-
‘ ed an attack upon the prerogative of the crown.
‘ His Majesty, or any of his successors, may make
‘ what use they please of any of the prerogatives of
‘ the crown ; but it is certain, that if ever any bad
‘ use shall be made of any of those prerogatives, the
‘ Parliament has a right, nay, it is their duty, to in-
‘ quire into it, and to desire his Majesty to acquaint
‘ them, who it was that advised him to take such a
‘ step. This has always been the practice of Parlia-
‘ ment, as to every prerogative that was ever claim-
‘ ed by the crown : This is the very case now before
‘ us : His Majesty has made use of his prerogative
‘ in removing two noble Lords from their commands
‘ in the army : These removals have occasioned a
‘ most universal complaint through the whole na-
‘ tion, because it is generally believed, that there
‘ were no sufficient, or good reasons for removing
‘ them ; and as it is the duty of this house to take
‘ care, that his Majesty shall not, by any step he may
‘ be advised to take, incur the general censure of the
‘ people, therefore this general complaint that has
‘ been raised, is a most sufficient foundation for the
‘ address now proposed : His Majesty’s conduct is no
‘ way concerned in the question, it is only the con-
‘ duct

‘ duct of those who advised him ; if they advised
‘ him well, they will be justified by what is now
‘ proposed ; if they advised him ill, they certainly
‘ deserve at least the censure of this house ; but to
‘ tell us that his Majesty’s conduct is, or can be con-
‘ cerned, in any such question, is directly to tell us,
‘ that the Parliament of *Great Britain* shall never
‘ inquire into any thing, that their King shall be
‘ pleased by the advice of his ministers to do.

‘ As to the number of those who have been re-
‘ moved, it is of no signification in the present que-
‘ stion ; the cause of removal is what your Lordships
‘ are to inquire into ; for if those two noble Lords
‘ were removed only as an example to others, one
‘ example may serve to keep hundreds in awe ; and
‘ if that example was made, only to serve a ministe-
‘ rial end, it may be of the most fatal consequence
‘ to our constitution. For this reason I shall be for
‘ the address moved for. The motion may perhaps
‘ be rejected by a majority of this house ; but if it
‘ be rejected, the whole world will be convinced,
‘ that those two noble Lords were removed from
‘ their commands in the army, for no cause ; at least,
‘ for no cause that can well be publicly avowed.’

The Duke of *Montrose* spoke next, and after him
the Lord *Gower*, both for the motion ; after which
the question was put, and carried in the negative,
upon a division 77 not contents, to 48 contents, no
proxies having been called for.

Whereupon the two following protests were en-
tered, *viz.*

‘ Moved, That an humble address be presented
‘ to his Majesty, that he will be graciously pleased
‘ to acquaint this house, who advised his Majesty to
‘ remove the Duke of *Bolton*, and the Lord Viscount
‘ *Cobham*,

‘ *Cobham*, from their respective regiments, and what
 ‘ crimes were laid to their charge.

‘ The same being objected to,

‘ After debate, the question was put thereupon,
 ‘ And it was resolved in the negative.

Content 48.

Not content 77.

‘ 1. **B**Ecause we conceive ’tis the inherent right
 ‘ of this house to address the crown, to be
 ‘ informed who are the advisers of any measures
 ‘ that may be prejudicial to his Majesty’s govern-
 ‘ ment, or dangerous to the liberties of the nation.

‘ 2. Because the removal of two officers of such
 ‘ rank and dignity, and of such known fidelity to
 ‘ his Majesty’s person and government, without any
 ‘ cause assigned, or any known or alledged neglect
 ‘ of their duty, gave the greatest alarm to many of
 ‘ his Majesty’s most faithful subjects ; we therefore
 ‘ thought it for his Majesty’s service, to give him
 ‘ this occasion to publish to the world the just
 ‘ grounds of his displeasure, or to detect the calum-
 ‘ ny of their accusers ; and consequently to with-
 ‘ draw his confidence from such pernicious coun-
 ‘ sellors.

‘ 3. Because, that as the practice of displacing
 ‘ officers has grown more frequent in proportion to
 ‘ the increase of their numbers in both houses of
 ‘ Parliament, the world may entertain (however un-
 ‘ justly) an opinion, that the free use of their votes
 ‘ has been the real cause of their disgrace ; and the
 ‘ more so, since most of the persons, who have
 ‘ been removed, have happened to be members of
 ‘ one or other house of Parliament.

‘ 4. Be-

‘ 4. Because applications of this nature to the
 ‘ crown may hereafter protect many of his Ma-
 ‘ jesty’s faithful subjects from the secret and mali-
 ‘ cious representations of some minister in future
 ‘ times, who (tho’ unrestrained by any sense of
 ‘ truth, regardless of his prince’s real interest, and
 ‘ animated only by his own passions) may however
 ‘ be checked by the just apprehensions that the ap-
 ‘ plications of Parliament may lay open his calum-
 ‘ nies, and bring upon himself the disgrace he had
 ‘ prepared for others.

Winchelsea and
(Nottingham,
Strafford,
Warrington,
Anglesey,
Denbigh,
Marlborough,
Marchmont,
Tweedale,
Montrose,
Northampton,
Weymouth,

Oxford and Mor-
timer,
Willoughby de Br.
Clinton,
Bathurst,
Bristol,
Abingdon,
Bedford,
Gryffin,
Boyle
Masham,
Carteret
Cardigan,

Ker,
Bruce,
Scarsdale,
Suffolk,
Berkshire,
Craven,
Litchfield,
Bridgwater,
Montjoy,
Gower,
Tadcaster,
Chesterfield,
Foley.

Dissentient.

BEcause we were not conscious, that any neglect
 or breach of our duty can be laid to our charge,
 much less any want of zeal and attachment for his
 Majesty’s person and government; we therefore
 must testify our earnest desire, that this motion had
 passed in the affirmative, that we might have had
 an opportunity given us of knowing our supposed
 crimes and accusers; and we hope, of justifying our-
 selves to his Majesty and the world.

Bolton.

Cobham.

On

Bill against
place-men.

On *Friday* the 15th day of *February*, the house of Commons ordered, ‘ That leave be given to bring
‘ in a bill for securing the freedom of Parliament,
‘ by limiting the number of officers in the house
‘ of Commons ; and that Mr. *Sandys*, Mr. *Wortley*,
‘ and Mr. *Cholmondeley*, do prepare and bring in the
‘ same.

Which bill was presented to the house by Mr. *Sandys*, on *Tuesday* the 19th of *February*, was then read, as usual, a first time, and was ordered to be read a second time upon that day seven-night.

Accordingly, on *Tuesday* the 26th, the said bill was read a second time, and Mr. *Sandys* then moved for its being committed, whereupon a debate ensued, in which the following gentlemen spoke as follows, *viz.*

John Camp-
bell, Esq;
his speech.

John Campbell, Esq; Knight for *Pembrokeshire*, stood up, and spoke in substance as follows, *viz.* ‘ In
‘ my opinion, Sir, the bill now before us, is one of
‘ the most extraordinary and most unreasonable bills
‘ I have ever seen brought into Parliament, since I
‘ have had the honour to sit in this house. It is, I
‘ think, Sir, not only unreasonable, but in several
‘ respects unjust : For as to the electors, the people
‘ of *Great Britain*, it is certain, that they are the best
‘ judges, and indeed the only proper judges, who are
‘ the most capable, and the most proper persons,
‘ to represent them in Parliament ; and for us to
‘ pretend, by a law, to lay a restraint upon them
‘ in their choice, is certainly doing them a very
‘ great piece of injustice. If the people, if the elec-
‘ tors of any shire, city, or borough, make choice of
‘ a gentleman to represent them in Parliament, who
‘ has a post, or an employment in the government,
‘ that very choice is a sufficient proof that they
‘ do not think the service of the country in Parlia-
‘ ment,

‘ ment, and the service of the crown incompatible ;
‘ and the law has already wisely provided, that in
‘ case any gentleman accepts of a place, or an
‘ employment in the government, after he has been
‘ chosen a member of Parliament, his seat in Par-
‘ liament, shall thereby be vacated ; he must return
‘ to his county, city, or borough, to be rechosen ;
‘ and if they again chuse him, it is a certain sign,
‘ that they continue to think him the most proper
‘ person to represent them, notwithstanding his ha-
‘ ving accepted of a place or employment under the
‘ crown.

‘ Then, Sir, as to the gentlemen who are now,
‘ or may hereafter be in offices, civil or military,
‘ under the crown, it is certain, that they gene-
‘ rally are gentlemen of families, and many of
‘ them have very large properties in their country.
‘ Have not they therefore as good a right to stand
‘ candidates for being chosen members of Parlia-
‘ men, as any of those gentlemen who are out of
‘ employment ? And if the people do them the ho-
‘ nour to chuse them, why should we, by a law,
‘ deprive them of that honour which the people have
‘ thought fit to confer upon them ? Is it not robbing
‘ them of a part, at least, of those rights which they
‘ have a just title to as *Englishmen*, or as *Free*
‘ *Britons* ?

‘ By this bill, Sir, I must likewise think, that
‘ there is a very great piece of injustice done to the
‘ crown ; I cannot but think it a very extraordina-
‘ ry thing, to put such a mark of disgrace upon all
‘ the officers employed by the crown, as to exclude
‘ them from the right of having seats in Parliament,
‘ and that for no other reason, but because the King
‘ has thought them worthy of serving their country
‘ in some office, civil or military, under him. It
‘ is, really, not only putting an affront upon his
‘ present Majesty, but doing an injustice to all his
‘ successors : It is indeed putting an affront upon
‘ the

‘ the crown itself, and rendering it impossible for
‘ our government to subsist under its present form;
‘ for if such an ignominy shall be put upon all those,
‘ who shall accept of any employment under the
‘ crown, as to render them incapable of serving
‘ their country in Parliament, which is one of the
‘ highest honours a gentleman can have in this
‘ country; what gentleman of family or fortune,
‘ what gentleman of honour or capacity, will ac-
‘ cept of any employment under the crown? And
‘ thus, by rendering it impossible for the King to
‘ get any man of family or fortune, of honour or
‘ capacity, to serve under him, you will render it
‘ impossible for our government or constitution to
‘ subsist under its present monarchical form.

‘ Should, Sir, the bill now before us pass into a
‘ law, I think it is easy to foresee the consequence.
‘ It would bring the house of Commons into the
‘ highest contempt, or it would bring all those gen-
‘ tlemen, who accepted of an office in the govern-
‘ ment, civil or military, under contempt. One or
‘ the other would, in my opinion, be the undoubted
‘ consequence; it is natural for every man to endea-
‘ vour to render contemptible that honour, that post,
‘ or that thing, which he knows he cannot attain
‘ to: The gentlemen of the army, the gentlemen
‘ of the navy, the gentlemen in civil offices, know-
‘ ing, that by law they were all absolutely exclu-
‘ ded from the honour of having seats in the house
‘ of commons, would all join together in endeavour-
‘ ing to render the house of Commons contemptible
‘ in the eyes of the people; and we need not
‘ doubt, but that the clergy would join with the rest,
‘ because, I think, they are already excluded from
‘ this house: On the other hand, the gentlemen of
‘ the house of Commons, and those who might
‘ continue to be eligible into this house, would en-
‘ deavour to support the honour of this house, by
‘ endeavouring to render contemptible all those, who
‘ accepted

‘ accepted of any post or employment in the go-
‘ vernment, either in church or state. Is it not
‘ much to be feared, is it not rather certain, that
‘ such an unnatural division as this, might, in the
‘ end, prove fatal to the constitution? For the suc-
‘ cess of either party would certainly overturn our
‘ present form of government.

‘ I will not say, Sir, but that country gentle-
‘ men are very proper representatives of the people,
‘ and I believe the majority of this house will al-
‘ ways consist of such, as it has formerly always
‘ done; but I must think, and I believe it will be
‘ granted me, that it is for the service of this house,
‘ it is even necessary for dispatching the business
‘ that properly comes before this house, to have
‘ likewise some of those gentlemen among us, who
‘ belong to, and are acquainted with the manner of
‘ transacting business in the several great offices un-
‘ der the government. Every gentleman, who has
‘ been but a short time in this house, and has at-
‘ tended to the several sorts of business that have
‘ come before us, and the several sorts of papers and
‘ accounts, we have, from time to time, found neces-
‘ sary for us to call for, must have taken notice, that
‘ the house would have been sometimes greatly be-
‘ wildered, if we had not had some gentlemen among
‘ us belonging to the public offices, capable of ex-
‘ plaining to the house the matters, which we then
‘ happened to have under our consideration; which
‘ must convince every man of the necessity of ha-
‘ ving some such gentlemen always among us.

‘ If, indeed, there were reason to suspect, that
‘ gentlemen in offices, who have seats in Parliament,
‘ were, by their enjoying such offices, any way in-
‘ fluenced in their way of acting or speaking in this
‘ house, it might then be necessary to contrive some
‘ way of preventing that influence for the future; but
‘ as I am convinced, that a man’s being in an office,
‘ does not in the least influence his way of thinking,
‘ or

‘ or his manner of acting, in this house, I therefore
 ‘ think we have no occasion for contriving any such
 ‘ remedies at present, and far less have we any occa-
 ‘ sion for such an extraordinary remedy as is propo-
 ‘ sed by the bill now before us, for which reason I
 ‘ am against committing it.

Mr. Sandy's
 speech.

Samuel Sandys, Esq; ‘ As this bill, Sir, met
 ‘ with no opposition, either when it was moved
 ‘ for, or when it was brought in and read the first
 ‘ time, I was very little apprehensive that we
 ‘ should have had any debate upon it, and much
 ‘ less was I apprehensive, that our going into a com-
 ‘ mittee upon it would have been opposed; for as
 ‘ yet it can be called little more than a blank; it
 ‘ cannot well deserve the name of a bill, till it has
 ‘ gone thro’ the committee, where the many blanks
 ‘ which are now in it, are properly to be filled up.
 ‘ I was indeed, surpris’d, Sir, to hear the worthy
 ‘ gentleman who spoke last, say, that he thought it
 ‘ the most extraordinary and unreasonable bill he
 ‘ had ever seen brought into this house; for if the
 ‘ gentleman will look into our journals, he will see
 ‘ that this very bill has been often brought in, and
 ‘ has almost always been pass’d in this house; and I
 ‘ am sure, Sir, if ever it was thought reasonable by
 ‘ this house, it must now be thought much more so,
 ‘ when the number of place-men, who have seats in
 ‘ Parliament, is much greater than it ever was any
 ‘ time heretofore.

‘ The worthy gentleman has likewise told us, that
 ‘ he thinks the bill unjust, both with respect to the
 ‘ crown, the people, and the gentlemen who have
 ‘ the honour to be employed by the crown; as to
 ‘ which, I shall take notice in general, that, by the
 ‘ same method of reasoning, he may pretend to
 ‘ shew us, that all the laws that were ever made
 ‘ for regulating elections were unjust, and were
 ‘ incroachments upon the rights of the people. I
 ‘ shall

‘ shall readily agree with him, that the people are
‘ the properest judges, who ought to be chosen by
‘ them for their representatives in Parliament; and
‘ I am confident, that were they left to a free choice,
‘ we should not see so many civil and military offi-
‘ cers brought into Parliament. The people, I be-
‘ lieve, would always think themselves more secure
‘ in being represented by country gentlemen, with
‘ whom they are well acquainted, and who can
‘ have no interest separate from them, than by
‘ clerks of offices, or such other persons, whom they
‘ perhaps never saw or heard of before they came
‘ down to be chosen their representatives, and whom,
‘ probably, they may never see again, ’till they re-
‘ turn to ask the same favour; which every gentle-
‘ man here knows to be often the case of many of
‘ our little boroughs in *England*.

‘ But, Sir, to say, that it would be any injustice
‘ in us, to lay any restraint upon the people, as to
‘ the choice of their representatives, seems to me
‘ very extraordinary, when we consider the law now
‘ in being, by which the people are restrained from
‘ chusing any gentleman for their representative in
‘ Parliament, who is not possessed of such an estate.
‘ Surely, Sir, we may, with respect to elections,
‘ without being guilty of any injustice, lay what re-
‘ straints we think necessary for the good of the pub-
‘ lic, and the preservation of our constitution: When-
‘ ever any such restraint is necessary, it ought to be
‘ laid on, because it is for the benefit of the people;
‘ and I am sure, that whatever is for the benefit of
‘ the people, cannot be justly said or thought to be
‘ injurious to the crown. It is extraordinary to say,
‘ that what is proposed by this bill would be an in-
‘ justice done to those who are thereby to be made
‘ incapable of being elected; for have not we al-
‘ ready a law, by which all the officers concern’d in
‘ the collection of the customs or excise are render’d
‘ incapable of being chosen members of Parliament?

‘ And yet I have never before heard it urged, that
 ‘ there was any injustice done to those gentlemen,
 ‘ by excluding them from having seats in Parlia-
 ‘ ment, as long as they are in an office which is
 ‘ inconsistent with their being members of this
 ‘ house. I will allow that the choice made by the
 ‘ burgeses of a little borough, or by the freeholders
 ‘ of a county, if it falls upon an officer, civil or
 ‘ military, shews that the majority of those electors,
 ‘ at that time, did not think the office he then en-
 ‘ joyed incompatible or inconsistent with his be-
 ‘ ing their representative in Parliament; but I hope
 ‘ it will not be said, that the burgeses of a little
 ‘ borough, or even the freeholders of a county, are
 ‘ better judges in this respect, than the representa-
 ‘ tives of the whole people of *Great Britain* met in
 ‘ this house, especially when the opinion of this
 ‘ house is approved of and confirmed by the other
 ‘ two branches of our legislature.

‘ As to the alternative pretended, that if this bill
 ‘ should pass into a law, it would render either the
 ‘ officers civil and military contemptible, or this
 ‘ house contemptible in the eyes of the people, I
 ‘ cannot imagine how it could produce either of
 ‘ these effects; for as to the officers civil or milita-
 ‘ ry, is it to be imagined, that a successful general
 ‘ or admiral, that a brave and experienced captain,
 ‘ by sea or land, or a civil officer, honest, expert, and
 ‘ diligent, in the station he is in, would be contemn-
 ‘ ed, because he was not capable of being a member
 ‘ of this house? Were the clergy ever brought into
 ‘ contempt, by their being excluded the privilege
 ‘ of being chosen members of Parliament? Upon
 ‘ the contrary, I believe, they never got any ho-
 ‘ nour by being members of either house; and, I
 ‘ believe, there are very few officers, either civil
 ‘ or military, in the kingdom, who ever gained
 ‘ much honour, or much repute, among the people,

2

‘ by

‘ by their being members of either house of Par-
‘ liament, unless when their being such was the oc-
‘ casion of their being turned out of the offices
‘ they enjoyed, and might have continued to enjoy,
‘ both to their own honour, and the advantage of
‘ their country, if they had not been members of
‘ Parliament.

‘ As to the other part of the alternative, that this
‘ house may be rendered contemptible by what is
‘ now proposed, I am, Sir, not in the least afraid
‘ of it ; but I am very much afraid, that if some
‘ bill of this nature is not passed into a law, and
‘ that very speedily too, this house will become con-
‘ temptible in the eyes not only of our own people,
‘ but of the whole world. Gentlemen may pre-
‘ tend, that no man is influenced in his way of
‘ thinking, or in his manner of acting, in this house,
‘ by the post or the office he possesses, and may be
‘ turned out of, whenever a prime minister may
‘ have a mind ; but while men are men, I am con-
‘ vinced, that there will always be a great number,
‘ by far, I fear, the greatest number, who will ra-
‘ ther vote according to the directions of the prime
‘ minister for the time being, than run the risque of
‘ being turned out of the lucrative post or office he
‘ then holds at the pleasure of the crown ; and if
‘ ever a majority of this house should happen to be
‘ composed of such men, I am sure it will become as
‘ contemptible as ever the senate of *Rome* was, after
‘ it became the political tool of their arbitrary and
‘ tyrannical Emperors.

‘ I will likewise agree with the honourable gen-
‘ tleman, that it may be necessary, at least, it may
‘ be convenient for this house, always to have in it
‘ some of those gentlemen who belong to, and are
‘ conversant in the methods of transacting business
‘ in the several great offices of the kingdom, and
‘ therefore I am not for excluding from seats in Par-
‘ liament, all those who are in offices civil or milita-

‘ ry; I believe no gentleman in this house ever had
 ‘ any such thought in his head; and if gentlemen
 ‘ will but peruse the bill as it stands now, they will
 ‘ see, that there is to be an exception, which is
 ‘ now left blank, as in all such cases is usual; in
 ‘ order, that when we go into a committee upon
 ‘ the bill, gentlemen may then propose the filling
 ‘ up in that blank as many officers, or as many sorts
 ‘ of officers as they have a mind. About this, in-
 ‘ deed, I expected there might have been some de-
 ‘ bates; but considering the great number of officers
 ‘ of all sorts we have now in the house, consider-
 ‘ ing how greatly that number may be increased in
 ‘ times to come, considering the great clamour al-
 ‘ ready raised in the nation against so many officers
 ‘ being in the house of Commons, I really did not
 ‘ expect, that any gentleman would have opposed
 ‘ the committing of the bill, or would have pretend-
 ‘ ed, that the passing of some such bill was not now
 ‘ become necessary, both for the honour of this house,
 ‘ and the safety of our constitution.

‘ To conclude, Sir, the bill is at present but a
 ‘ blank, but I am confident, it may be made a
 ‘ good, and a reasonable bill, and agreeable to e-
 ‘ very gentleman in this house, and therefore I
 ‘ hope the house will agree to the going into a
 ‘ committee upon it, because if gentlemen do not
 ‘ like it after the blanks are filled up, they may
 ‘ then drop it, or throw it out upon the third read-
 ‘ ing.’

Mr. Thomp-
 son's speech.

Edward Thompson, Esq; member for York city.
 ‘ Sir, if we do resolve to go into a committee on
 ‘ the bill now before us, which I hope we shall
 ‘ not, I must take the liberty to move for an in-
 ‘ struction to receive a clause for excluding all those
 ‘ from seats in Parliament, who have asked for
 ‘ any place or employment, or any other favour,
 ‘ from the government, and have been refused what
 ‘ they

‘ they asked for ; because I am persuaded that an-
‘ ger, revenge, and disappointment, may influence
‘ men’s actions, and even their behaviour in this
‘ house, as much as the hopes of getting a place, or
‘ the fears of losing one, can possibly do ; and there-
‘ fore I think it fully as reasonable to exclude the
‘ former, as it is to exclude the latter, from having
‘ seats in this house.

‘ If it can be supposed, Sir, that the hopes of getting
‘ a place, or the fears of losing one, can influence
‘ some men so much, as to make them approve of
‘ all the measures of the government, and agree with
‘ every thing that is proposed by those in the admi-
‘ nistration, right or wrong, I am sure it may be
‘ supposed, that the passions of revenge and disap-
‘ pointment, may likewise influence some men so
‘ much, as to make them find fault where there is
‘ none, and to oppose whatever is proposed by the
‘ government, even when they are in their own
‘ consciences convinced, that what is proposed is
‘ right, and necessary for the support of our govern-
‘ ment and constitution ; but for my own part, Sir,
‘ I can make no such supposition ; I cannot suppose,
‘ that the being in a place or employment under the
‘ government, is inconsistent with common honour
‘ and honesty ; nor can I suppose, that any man
‘ would, for the sake of satisfying his malice or re-
‘ venge, oppose any thing, that he saw was ne-
‘ cessary for preserving or improving the happi-
‘ ness of his country ; and I would gladly ask those
‘ gentlemen, who have formerly been in places
‘ under the government, and happen now to be
‘ out, if they looked upon themselves as less honest,
‘ when they were in place, than they are now when
‘ they are out.

‘ As the bill appears to me, Sir, to be a total ex-
‘ clusion of all officers, civil and military, from ha-
‘ ving seats in this house, I would really advise those

‘ gentlemen, who now seem so fond of it, to be a
 ‘ little cautious in passing such a bill, for if that
 ‘ which they have so long struggled to come at, be
 ‘ so near at hand, as some people have been plea-
 ‘ sed to give out without-doors, the passing of such
 ‘ a bill may soon affect a great many of them-
 ‘ selves. They may then, perhaps, think of the
 ‘ bill as I now think of it ; and I must declare,
 ‘ that I can by no means agree to the committing
 ‘ of it, because I think it impossible to make it a
 ‘ good bill.

Mr. Digby's
speech.

The honourable *Edward Digby*, Esq; ‘ I differ,
 ‘ Sir, so far, in my opinion about the bill now be-
 ‘ fore us, from the honourable gentleman who spoke
 ‘ last, that I think it is not possible to make it a bad
 ‘ bill. It is a bill that has often, as was before ob-
 ‘ served, passed through this house, and I am sure
 ‘ it was never more necessary for securing the free-
 ‘ dom and independency of Parliaments than it is at
 ‘ this present time : I am afraid, Sir, that even the
 ‘ transactions of this day may be a convincing proof
 ‘ of the great necessity that there is for having
 ‘ some such bill passed ; or rather that they will be
 ‘ a melancholy proof of its being already impossible
 ‘ ever to get such a bill passed.

‘ It is certain, Sir, that the preservation of our
 ‘ constitution depends upon preserving a just balance
 ‘ between the several powers of which it is compo-
 ‘ sed, for if ever the scale should be so much turn-
 ‘ ed, as to overthrow and destroy that balance, our
 ‘ constitution will from that moment be at an end :
 ‘ And it is certain, that the many penal laws which
 ‘ have been enacted since the revolution, the many
 ‘ taxes that have been laid on and still continued, and
 ‘ the great number of officers that are necessary for
 ‘ the collecting of those taxes, have thrown a great
 ‘ and a dangerous power into the hands of the crown ;
 ‘ such a power, as it is greatly to be feared, may ena-
 ‘ ble

ble the crown to swallow up the two other branches of our legislature, by making them intirely dependent on the crown, if ever those employed by the crown should be wicked enough to make such a cruel use of the power they have got into their hands: I will not say, Sir, that ever such a use, or any wicked use, has as yet been made of the great power which the crown has lately acquired; but there is no doubt but that such a use may be made of it: There is no doubt but that some future minister may arise, who may make an absolute and a blind obedience to his commands, both as to voting and speaking in either house of Parliament, and as to voting at elections for members of this house, the only tenure by which gentlemen in office can hope to continue in their respective offices, and the only merit which can intitle a man to preferment either in church or state; and if this should ever happen to be the case, I must leave it to every gentleman that hears me, to consider, whether our constitution would not then be in the most imminent danger: Shall we then, who are the guardians of the people's liberties, neglect or refuse to provide proper fences against that power, which may, some time or other, be made use of for invading or breaking down all those fences, which now serve to protect and defend the liberties and the properties of the people?

‘ We all know, Sir, that the service of the crown and the service of the people ought always to be the same; we know that the crown ought never to ask any thing but what is for the service of the people, and that the people ought never to refuse what is necessary for the support of the crown, and for their own defence; but, Sir, we likewise know, that the service of the crown and the service of the people have not been always the same; we know that the crown has sometimes been the people's most dangerous enemy, and the people may, perhaps,

perhaps, have sometimes refused what was necessary for the support of the crown, and for their own defence: What has happened may happen again; but as long as the Parliament continues pure and uncorrupted, they will always be proper mediators between the crown and the people; whereas, if both houses of Parliament should ever come to be intirely dependent on the crown, and ready to follow blindly whatever instructions they may receive from the ministers of the crown, could it then be said, that the Parliament would be proper mediators between the crown and the people? Could it be expected, that the Parliament would ever put a check upon the most arbitrary demands of the crown, or could it be expected, that they would ever have weight enough with the people to prevail with them to comply willingly with the most necessary demands of the crown?

This, Sir, is a case that is certainly to be apprehended, by all those who have any regard for our present happy constitution; and as the number of officers in the service of the crown is daily increasing in this house, I think it high time to put a stop to it; for the disease may, I am afraid, very soon become incurable. That some dangerous practices have formerly been attempted by the ministers of the crown, upon the members of this house, cannot be denied, since an hon. gentleman of great worth, a gentleman of great distinction in the army, has but lately, in a former debate, told us, that even he himself was threatened, for daring to give his vote against one of the most destructive ministerial schemes that was ever brought into Parliament; and though he had virtue and courage enough to despise such threats, yet it is probable, that many were brought over by such, or the like arguments; because that scheme, destructive as it was, got the sanction of a *British* act of Parliament, an act of Parliament, which, for its
many

‘ many fatal and iniquitous effects, will for ever make
‘ a considerable æra in the annals of this nation.

‘ But I need not enlarge, Sir, upon the necessity
‘ of our having some such law as is proposed by
‘ this bill, the thing speaks itself; the independence
‘ of our Parliaments is certainly our greatest security;
‘ and if we cannot render them altogether indepen-
‘ dent, the more they are so, the greater our securi-
‘ ty, or rather, the less our danger will be, and there-
‘ fore I am for our going into the committee moved
‘ for.’

Thomas Winnington, Esq; ‘ This bill, Sir, as Mr. Winn-
ington's
speech.
‘ gentlemen have observed, has, ’tis true, been often
‘ proposed, and has sometimes passed in this house,
‘ but it has likewise been sometimes rejected; so
‘ that if there is any argument in this, it is equally
‘ strong on both sides; and as it has been often pro-
‘ posed, and never yet has passed into a law, it is a
‘ certain proof, that it has never yet been thought
‘ reasonable: Indeed, if we look into the history of
‘ it, we shall find, that it has at all times been brought
‘ in, and supported, by those who were at those sever-
‘ al times endeavouring, as much as they could, to
‘ distress the government.

‘ I will likewise agree with the hon. gentleman
‘ who spoke last, that it is necessary to keep a ba-
‘ lance between the three branches of the legislature;
‘ but I cannot agree with him in saying, that That
‘ balance is now in any danger of being destroyed:
‘ I hope it never will; I am sure it never was in less
‘ danger than it is at present; and I am persuaded,
‘ that if the government should ever attempt any
‘ thing against the liberties of the people, they would
‘ find no such servile dependence or blind obedience
‘ among the gentlemen in office, as has been talked
‘ of: Many of those gentlemen are, and, I believe,
‘ always must be, gentlemen of good families, and
‘ possessed of considerable estates of their own; they
‘ may

‘ may not perhaps be very ready to join with any
‘ set of men, to distress that government they serve,
‘ but if they should observe that government in-
‘ croaching upon the liberties of the people, they
‘ would then, without doubt, shew some regard to
‘ the families they were come of, and the preserva-
‘ tion of their own private fortunes, and would ra-
‘ ther throw up the posts or places they enjoyed un-
‘ der the crown, than join with the crown in over-
‘ turning the laws and the constitution of their
‘ country.

‘ As there may be danger, Sir, in throwing too
‘ much power into the hands of the crown, so, I
‘ hope it will be granted, that the hands of the
‘ crown may be so much weakened, as to render it
‘ impossible for the crown to support itself, and ad-
‘ minister the public affairs of the nation as they
‘ ought to be ; and this last would, I am convinced,
‘ be the case, if this bill should pass into a law ;
‘ for, as it certainly contains a total exclusion of all
‘ officers, civil and military, where must the crown
‘ go, to find persons to fill up those employments,
‘ as they shall become vacant ? Gentlemen of figure
‘ or fortune in their country would not certainly
‘ accept of any of them, were they thereby to be
‘ branded with such a mark of infamy, as to be
‘ rendered incapable of serving their country in
‘ Parliament ; so that the crown would be obliged
‘ to go among the very dregs of the people, to find
‘ out persons who would undertake or accept of
‘ any office under the crown ; and thus, in a short
‘ time, we should have all our offices and employ-
‘ ments, both civil and military, filled with crea-
‘ tures of no family or fortune in the kingdom :
‘ And if all our civil employments, but especially
‘ our military employments, should come into such
‘ hands, I would gladly know, from the gentlemen
‘ who seem so fond of this bill, if they would think
‘ † safe under such an administration.

‘ This,

‘ This, Sir, I take to be a very strong argument
‘ against the bill, and I cannot really see any one
‘ argument for it ; I can see no reason why a gen-
‘ tleman, only because he is in employment under
‘ the crown, should be deprived of his birth-right,
‘ by being disqualified from sitting in Parliament.
‘ It is certain, that the people at present do not think
‘ so, otherwise they would not chuse so many of
‘ those gentlemen, as they do ; and I must think,
‘ that it would be a very great incroachment on the
‘ rights of the people, to dictate to them in their
‘ choice, and to tell them, you shall chuse only
‘ such or such persons for your representatives in
‘ Parliament. The laws, as they stand now, have, I
‘ think, provided sufficiently in this respect ; if any
‘ gentleman accepts of an office or employment un-
‘ der the crown, he is sent down to be re-chosen, and
‘ if the people think him thereby disqualified, they
‘ may refuse chusing him again for their representa-
‘ tive ; but the many instances which have even late-
‘ ly occurred, of gentlemen’s being re-elected upon
‘ such occasions, is with me a full proof, that the
‘ people do not think any gentleman disqualified for
‘ being their representative in Parliament, by his
‘ having accepted of an office or employment under
‘ the crown.

‘ As for the *South-sea* scheme, which the hon.
‘ gentleman was pleased to mention, however de-
‘ structive it was, it is certain, it is not to be laid to
‘ the charge of the crown or of the ministry, even
‘ at that time : We all know how, and by what
‘ methods it was carried through Parliament : We
‘ know, that when the inquiry came to be made, it
‘ appeared, that those directors who were let into
‘ the secret, and intrusted with the management of
‘ that scheme in Parliament, were men of all deno-
‘ minations and complexions ; and subscriptions were
‘ given to members of as different denominations
‘ and complections ; by which there were, I believe,
‘ many

‘ many more brought in to support that scheme,
 ‘ than were brought in by any ministerial influence:
 ‘ But whatever may be in that, it is well known,
 ‘ that the ministers that now are were strenuous op-
 ‘ posers of that scheme; so that no argument can
 ‘ be drawn from thence, for or against any thing
 ‘ that is now proposed.

Sir William
 Wyndham's
 speech.

Sir *William Wyndham*. ‘ As it has always been
 ‘ my opinion, Sir, that every man, who is in a
 ‘ place or office under the government, is not there-
 ‘ fore necessarily to be supposed to be under any
 ‘ slavish influence, as to his behaviour in this house,
 ‘ I have formerly opposed bills of this sort, when
 ‘ brought into this house; and if this bill, when it
 ‘ may properly be called one, does appear to be the
 ‘ same with those which I have formerly opposed,
 ‘ as I have not yet altered my opinion, I shall op-
 ‘ pose this likewise; but the worthy gentleman who
 ‘ brought in this bill, has already, in conversation,
 ‘ shewed me a good deal of difference between what
 ‘ is now designed, and the bills I have formerly op-
 ‘ posed; for which reason I shall be for going into
 ‘ a committee upon it, because no man can well say
 ‘ any thing, either for or against the bill, as it now
 ‘ stands, it being really nothing but a blank; but
 ‘ when it has gone through the committee, when
 ‘ the blanks are all filled up, and the bill brought
 ‘ into such a shape, as to enable one to form some
 ‘ sort of judgment about it, I can then easily de-
 ‘ termine what farther I am to do; and if it be not
 ‘ then made very different from the bills I have
 ‘ formerly opposed, which were brought into this
 ‘ house under the same title, I shall in this, as, I
 ‘ hope, I have on all other occasions, act consistent-
 ‘ ly with myself, and oppose the bill's being carried
 ‘ any step farther.

‘ At

‘ At the same time, Sir, I must take notice, that
‘ the necessity for some such bill, is certainly much
‘ greater now than it was formerly : Parliaments
‘ are now of a much longer continuance, and it must
‘ be granted, that a more intimate acquaintance,
‘ and a more close correspondence between the crown
‘ and a Parliament, may be contracted in a course
‘ of seven years, than could possibly have happened
‘ in a course of three years only. This is a novelty,
‘ and a most dangerous novelty, which has been
‘ lately introduced ; and when such novelties are
‘ introduced into our constitution, if they can’t be
‘ shaken off, if things can’t be brought back to
‘ where they were, laws, which formerly were
‘ thought unnecessary and unreasonable, may then
‘ become both reasonable and necessary ; and gen-
‘ tlemen, who formerly opposed them, may then
‘ think themselves obliged, both in honour and
‘ duty, to support and promote them, to the utmost
‘ of their power.

‘ As the bill, Sir, is now but a blank, we argue
‘ in the dark upon it ; but if I have been rightly
‘ informed, there never was the least design of ex-
‘ cluding all officers, civil and military ; on the con-
‘ trary, the great officers of state, the commissioners
‘ of the treasury, admiralty, trade, and many others
‘ in such offices, are to be excepted : None of them
‘ are designed to be excluded, nor indeed ought they
‘ to be excluded, because they are generally such,
‘ who, by their families and fortunes, have a natural
‘ interest in the country, and may be chose members
‘ of Parliament, without any assistance from the
‘ board to which they belong. Such gentlemen may
‘ reasonably be supposed to be independent of the
‘ board, or even of any minister of state ; but the
‘ same cannot be said of all the other little officers
‘ belonging to those boards, or to any other office
‘ under the government ; if such little officers should
‘ ever be brought into Parliament, it must be by the
‘ unna-

‘unnatural interest of the board or office to which
‘they belong; and as they will then be intirely
‘dependent on the board or office to which they
‘belong, not only for their seats in Parliament,
‘but likewise for their daily bread, we cannot sup-
‘pose, that their behaviour in this house will be ab-
‘solutely free from ministerial influence; therefore
‘I must think, that it may be very proper to ex-
‘clude all such from being brought into Parliament;
‘for though it may be necessary to allow a secretary
‘of state, or any such great officer, a seat in this
‘house, yet it is not at all necessary, he should
‘come here with his clerks, and the whole equipage
‘of his office.

‘Though the hon. gentleman who spoke last,
‘seemed to think, that no argument could be drawn
‘from the success of the late fatal *South-Sea* scheme,
‘yet, I think, he, from thence, gave us a very strong
‘argument for some such bill as is now proposed,
‘when he told us, that gentlemen of all denomina-
‘tions and complexions were drawn in to support
‘that scheme, by means of the subscriptions that
‘were given them; for does not that, Sir, shew,
‘that men of all denominations and complexions are
‘apt to have their inclinations byassed, and even
‘their understandings blinded, in favour of that
‘public measure, from which they expect to draw
‘a private advantage? Is not this, Sir, one of the
‘strongest arguments that can be given, for us to
‘take all possible care, that no member of this house
‘shall ever have any private advantage to expect, or
‘any private loss to fear, from his voting of either
‘side of any question that may happen in this house?
‘And is not this, Sir, a most unanswerable argu-
‘ment for our agreeing to exclude those from seats
‘in this house, who may have the whole, or at least
‘the principal part of their daily subsistence, depend-
‘ing upon their way of voting, or behaving as mem-
‘bers of this house? However, Sir, it is impossible
‘to

‘ to argue with any certainty, either for or against
 ‘ the bill, as it now stand ; if the bill, after it has
 ‘ passed through the committee, shall appear to be
 ‘ an unreasonable or an unnecessary bill, we may
 ‘ easily prevent its going any farther ; and there-
 ‘ fore I must say, that I can see no reason for gen-
 ‘ tlemen’s opposing our going into a committee up-
 ‘ on it, unless it be, that they are afraid lest it may
 ‘ be there made so good, and so reasonable a bill,
 ‘ that they cannot then, with any confidence, op-
 ‘ pose its being passed into a law.’

Horatio Walpole. ‘ Sir, the hon. gentleman be- *Horatio Wal-*
pole’s speech.
 ‘ low me has told you, that he has always opposed
 ‘ bills of the same nature with this now before us ;
 ‘ and I was really heartily sorry to find him so much
 ‘ diffculted to find out somewhat in this bill diffe-
 ‘ rent from those he has formerly opposed, inso-
 ‘ much, that he was at last even forced to own, that
 ‘ it was at present the very same sort of bill, but
 ‘ that in the committee it might be made a different
 ‘ bill from what it now appears to be. I will not,
 ‘ Sir, ask the hon. gentleman, whether he was in
 ‘ place or out of place when he opposed such bills ?
 ‘ But I will say, that I have always opposed them,
 ‘ both in place and out of place ; and as I take this
 ‘ to be the very same bill with those I have for-
 ‘ merly opposed, I shall therefore be against the
 ‘ question now before us ; and for all the gentleman
 ‘ has said, I make no doubt, but that we shall this
 ‘ day be both upon the same side of the question ;
 ‘ for I dare say, he only meant to make some sort
 ‘ of complement to his worthy friend over the way ;
 ‘ but when it comes to the question, I am persuaded
 ‘ he will join with me ; which if he does, I will
 ‘ fairly promise him, that if any such bill be pro-
 ‘ posed when he is in place, and I am out, he shall
 ‘ have my assistance in opposing it.

‘ We

‘ We have been told, Sir, that though the bill,
‘ as it stands at present, be a total exclusion of all
‘ officers civil and military, yet there are to be
‘ many exceptions made, when we go into a com-
‘ mittee upon it ; I must say, that this raises my
‘ curiosity so much, as to give me some inclination
‘ to be for the question, because, by the exceptions
‘ those gentlemen are to propose, we may, I be-
‘ lieve, pretty well guess what offices and employ-
‘ ments they have chalked out for themselves ; but
‘ as the time of this house ought not to be taken
‘ up about matters of curiosity only, therefore I
‘ shall not allow my curiosity to carry me so far,
‘ as to vote for this house’s throwing away a day of
‘ their session, by going into a committee upon an
‘ affair which, I am convinced, must prove fruit-
‘ less in the end.

‘ There are some gentlemen among us, Sir, whom
‘ I have formerly known to be in very good em-
‘ ployments under the crown, but now they happen
‘ to be out of place, and are become mighty patri-
‘ ots : ’Tis true, there is something very sonorous
‘ and pompous in the name Patriot ; but, I believe,
‘ those gentlemen looked upon themselves to be
‘ every bit as good men, and as firmly attached to
‘ the interest of their country, when they were call-
‘ ed Secretaries at war, Cofferers, or the like ; nay,
‘ I believe, they not only thought so themselves,
‘ but would have been angry with any man, who
‘ would then have pretended to have thought other-
‘ wise of them.

‘ The honourable gentleman, who spoke last,
‘ mentioned likewise the long continuance of our
‘ Parliaments, and the great acquaintance and cor-
‘ respondence, which may, in a term of seven years,
‘ be contracted between them and the crown : From
‘ whence, Sir, I presume, we are in this session to
‘ have some debate upon that question too ; and there-
‘ fore, if we do agree to go into the committee pro-
‘ posed

‘ posed, I hope the gentleman will move for an in-
 ‘ struction, for that committee to receive a clause for
 ‘ shortening the continuance of our Parliaments,
 ‘ that so we may make but one day’s debate of both
 ‘ questions, when that is over, we may have the
 ‘ call of the house, and then, I believe, the business
 ‘ of this session will be pretty well over.’

William Pulteney, Esq; ‘ Sir, the worthy gentle-
 ‘ man who spoke last, has entertained the house
 ‘ with a good deal of his wit, but has not been plea-
 ‘ sed to give us any one argument against the que-
 ‘ stion; and as I am very sensible of my own inca-
 ‘ pacity to contend with him in wit, I am sorry he
 ‘ did not vouchsafe to give me an opportunity of
 ‘ answering some of his arguments, if he has any,
 ‘ against our going into the committee proposed. He
 ‘ mention’d the word patriot, and told us there was
 ‘ something very pompous and sonorous in the
 ‘ name; but, whatever that worthy gentleman may
 ‘ think of patriotism, I hope, Sir, it will never be
 ‘ laughed at, or turned into ridicule in this house. It
 ‘ is certainly the most glorious epithet, when justly
 ‘ applied, that ever was, or ever can be bestowed
 ‘ upon any man; and I should be sorry to find, that
 ‘ that gentleman, with all his wit, or any other per-
 ‘ son with a little such sonorous wit, were able to
 ‘ laugh it out of these doors.

Mr. Pulteney's speech.

‘ But now, Sir, as to the question in hand, I will
 ‘ venture to say, that every gentleman, who has spoke
 ‘ against it, has intirely mistaken the nature of the
 ‘ bill now before us; they supposed it to be such a
 ‘ bill, as they have been pleased to represent, and
 ‘ came here provided with arguments, some in their
 ‘ heads, but, I believe, more in their pockets, against
 ‘ a bill, such as they had before supposed this to be;
 ‘ and now, when we have heard them, it is plain,
 ‘ that none of their arguments affect, in the least, the
 ‘ bill now before us. Gentlemen, and particularly one

‘ up in the corner, who tried a little at wit too, have
‘ supposed, that, by this bill a total exclusion of all
‘ officers, civil and military, was intended; but they
‘ have been told, that no such thing was ever in-
‘ tended, or so much as dreamed of: They have
‘ been told, that all great officers are still to have,
‘ and, I think, ought to have seats in this house; but
‘ suppose, Sir, that it is intended to exclude such, as,
‘ by the nature of their office, must either neglect
‘ their duty in Parliament, or their duty in their
‘ office, which necessarily requires their attendance
‘ elsewhere; such, for example, as the commissioners
‘ of the revenue in *Ireland*; surely, Sir, this must
‘ be thought highly reasonable by a majority of this
‘ house, as well as by the generality of mankind;
‘ yet I doubt much, if the worthy gentleman in the
‘ corner would think so. Suppose again, that it were
‘ intended to exclude from seats in Parliament those
‘ clerks and deputies of offices, who have a continual
‘ dependance upon the crown, and are daily at the
‘ mercy of a minister, for being continued in, or
‘ turned out of that employment, from which they
‘ draw the principal part of their subsistence; might
‘ not this be done, Sir, without any injustice? Can
‘ it be supposed, that the people would think them-
‘ selves injured by such a regulation? Such persons
‘ can never be supposed to act or vote with that
‘ freedom, which every member of this house ought
‘ to do; and, I am sure, it would be for the honour,
‘ as well as the freedom of Parliament, to exclude
‘ all such persons; which is all that is intended by
‘ the bill now before us; and therefore it is evident,
‘ that none of the arguments, made use of against
‘ the question, affect in the least the bill, which we
‘ have now under our consideration.

‘ Gentlemen have insisted much upon the necessity
‘ we are under, of having always in this house some
‘ of those who are in public offices and employ-
‘ ments; they have told us, that the knowledge of
‘ such

such gentlemen, in affairs of state, is superior to that of country-gentlemen, or fox-hunters: It is true, Sir, they may perhaps know a little more of the management of public offices, and the methods of making up accounts, and raising perquisites, than gentlemen who never had the honour, nor the profit of being made acquainted with such things; but it will be allowed, I believe, that those gentlemen, who pay a large share of the taxes imposed, and feel the heavy burden of them, because they are obliged to pay the whole out of their own private fortunes, will be a little more cautious, how they lay on such taxes, and more exact in seeing them properly and frugally applied, than those knowing gentlemen in public offices, who have large salaries, and many perquisites daily coming in. The case of such gentlemen, really puts me in mind of a passage in the play called the *Funeral*: I remember, Sir, an undertaker is there represented, as paying money to his mourners to look sad and dismal, and one of them he reprimands severely, for that the more money he gave him to look sad, the more merry the fellow always looked: This is the very case with those gentlemen in offices; the more money they give in a parliamentary way, the more merry they look, for the more they give, the more comes into their own pockets.

But, Sir, to be serious, for the subject is really of a very serious nature: It is certain, there never was a time, when this bill, or some such bill, was more necessary: The great power and influence of the crown in both houses of Parliament, as well as in the elections of the members of this house, calls aloud for some regulation; it may soon be in the power of a minister, even before the election of a new Parliament, to tell us what majority he will have in the ensuing Parliament; he may have this house, or at least, a majority of this house,

‘ and perhaps of the other too, in his pocket. This
 ‘ would be a most terrible misfortune ; it is a mis-
 ‘ fortune which is just at our door, and if we allow
 ‘ it to enter, it will be impossible to get it out again :
 ‘ Let us then do what we can ; if we cannot get all
 ‘ we wish for, let us endeavour to exclude from seats
 ‘ in this house, at least those who are the immediate
 ‘ servile dependents upon a minister : If this is not
 ‘ done, our constitution must soon be undone ; for
 ‘ let any future minister be as wicked, as rapacious,
 ‘ and as criminal, as ever any minister was, who
 ‘ will attempt to accuse or impeach him in a house
 ‘ of Commons, where it is known he has a corrupt
 ‘ majority, ready to acquit him of whatever crimes
 ‘ may be laid to his charge, even tho’ his guilt should
 ‘ be made as manifest as the sun at noon-day !

Sir William
 Yonge’s
 speech.

Sir *William Yonge*. ‘ I have, I think, Sir, given
 ‘ all possible attention to every gentleman who has
 ‘ spoke in this debate, and for my own part, I must
 ‘ say, I cannot discover that there is any necessity at
 ‘ present for the bill now proposed to be committed :
 ‘ It is true, that such bills have been often brought
 ‘ in, and have sometimes been passed in this house,
 ‘ particularly, in the reign of the late King *William* ;
 ‘ and as I was but the other day reading the history
 ‘ of that reign in a book lately published, I shall re-
 ‘ peat, as far as my memory serves, the account the
 ‘ historian gives of a bill of this nature, and of those
 ‘ who then brought it in : He says the persons who
 ‘ were then the bringers in, and supporters of that
 ‘ bill, were either such as thought they had not
 ‘ been sufficiently rewarded for the services they
 ‘ had done in assisting to bring about the revolution,
 ‘ or such who were, and always had been, real ene-
 ‘ mies to the revolution, both which parties joined
 ‘ in bringing that bill in, and getting it passed, in
 ‘ order to distress the measures of that glorious King,
 ‘ and to clog the wheels of his government.

‘ This,

‘ This, Sir, is the account the historian gives of a
 ‘ bill of this nature, brought into this house at that
 ‘ time : I am far from throwing the same imputa-
 ‘ tion upon the gentlemen who are the supporters
 ‘ of the bill now before us ; I hope they act from
 ‘ quite different principles ; but the attempting to
 ‘ make such alterations in our constitution, when
 ‘ there is no apparent necessity for it, does give some
 ‘ sort of ground for suspecting that those who make
 ‘ such attempts, are influenced by motives different
 ‘ from those that are openly avowed : As I, Sir,
 ‘ can see no manner of reason for making at present
 ‘ such an alteration in our constitution, as that of
 ‘ excluding from seats in Parliament all, or at least
 ‘ the greatest part of those who enjoy any office,
 ‘ civil or military, under the crown ; I cannot there-
 ‘ fore see any necessity for the bill now before us ;
 ‘ and if the only view now be, to exclude two or
 ‘ three clerks in offices from seats in Parliament, I
 ‘ must think that neither our constitution, nor the
 ‘ freedom of Parliament can be in any danger from
 ‘ three or four persons having seats in this house, let
 ‘ their dependence be never so great, or never so
 ‘ servile ; and therefore, I do not think it worth
 ‘ while to take up the time of this house, in passing
 ‘ any bill for such a purpose, or in going into a
 ‘ committee upon any such bill, for which reason
 ‘ I shall be against your question.’

Henry Pelham, Esq; ‘ I do not stand up, Sir, to Mr. Pelham's
speech.
 ‘ trouble you with any arguments against the com-
 ‘ mitment of the bill, other gentlemen having before
 ‘ spoke sufficiently to that point ; but as clerks and
 ‘ deputies in offices have been mentioned, I stand up
 ‘ to speak for one, whose modesty will not allow
 ‘ him to speak for himself. I have the honour, Sir,
 ‘ to be in an office which is certainly very lucrative,
 ‘ as well as a place of great trust, and the gentle-
 ‘ man who is my deputy, is a member of this house,
 ‘ known

‘ known to many gentlemen in the house, and be-
 ‘ loved, I believe, by all that know him : It is well
 ‘ known, that the security he gives for the faithful
 ‘ performance of his duty in that office is very con-
 ‘ siderable ; it is such as I am sure must free him
 ‘ from all manner of suspicion among those he re-
 ‘ presents ; for no man who is capable of giving so
 ‘ large security, can be suspected of any such servile
 ‘ dependence, as some gentlemen have been pleased
 ‘ to mention ; it cannot be supposed, that such a
 ‘ gentleman owes his daily bread, or even the prin-
 ‘ cipal part of his subsistence, to the office he enjoys,
 ‘ or that he would be guilty of such a heinous crime,
 ‘ as that of betraying his country in Parliament, for
 ‘ the sake of continuing in that office. This, Sir,
 ‘ I thought it my duty to mention ; but as it is now
 ‘ so late, I will not give you the trouble of saying
 ‘ any thing as to the subject now in debate.

Lord Cather-
 logh's speech.

Lord *Catherlogh*. ‘ I believe, Sir, no man who
 ‘ knows me, is ignorant of the many and the late ob-
 ‘ ligations I owe to his Majesty, which I shall always
 ‘ be ready to acknowledge ; and I shall endeavour
 ‘ to take all opportunities of shewing my gratitude
 ‘ for the favours I have received. While I have the
 ‘ honour to sit in this house, I think I cannot shew
 ‘ my gratitude to his Majesty better, than by per-
 ‘ forming my duty towards those I represent, because
 ‘ I always looked upon the interest of the King, and
 ‘ the interest of the people to be inseparable ; and
 ‘ therefore, as I think the bill now before us not
 ‘ only reasonable, but even necessary, for the prefer-
 ‘ vation of our constitution, I shall give my vote for
 ‘ our going into a committee upon it.’

Sir Robert
 Walpole's
 speech.

Mr. Chancellor of the *Exchequer*. ‘ It has always
 ‘ been my opinion, Sir, that we ought not to make
 ‘ any alterations in our constitution, but when there
 ‘ is

‘ is an apparent necessity for doing so ; and it is cer-
‘ tain, that the time of this house ought not to be
‘ taken up with contriving new regulations, or pas-
‘ sing bills, for which there is no manner of occa-
‘ sion. In the present case, I have heard nothing
‘ that can in the least convince me of their being at
‘ present any necessity for the bill now before us,
‘ which of itself is to me a sufficient reason for my
‘ giving my vote against the present question ; but
‘ the case of an hon. gentleman mention’d early in
‘ the debate, and what the noble Lord who spoke
‘ last, has said, is to me, and must, I think, be to
‘ every gentleman, a full proof, that there is no ne-
‘ cessity for the bill now under our consideration, and
‘ is consequently, an unanswerable argument for our
‘ not taking up the time of the house, with going
‘ into a committee upon this, or any such bill ; for
‘ when we see gentlemen who are in offices, gentle-
‘ men who own their many obligations to his Ma-
‘ jesty, declaring their opinion, and giving their
‘ votes in this house, with the same freedom that
‘ other gentlemen do, it seems strange to lay it down
‘ as a maxim, that all gentlemen in offices act un-
‘ der a servile dependence upon the crown.

‘ As to bills of this nature, having been often
‘ proposed, or even passed in this house, it is no ar-
‘ gument for our agreeing or disagreeing to it now :
‘ Every proposition is a new proposition as often as
‘ it is made in this house, and is to be debated and
‘ considered upon its own merits only, without any
‘ regard to what is passed ; for what former Parlia-
‘ ments have done, or have refused to do, can be no
‘ rule for us ; and as the merits of every question
‘ must depend upon what has been said, or may be
‘ said, for and against it, I believe, without adding
‘ any thing farther, I may leave the present question
‘ upon that issue.

‘ As

‘ As for clerks and deputies in office, I am sure
‘ there are none such, who have now seats in Parlia-
‘ ment, that are not fully intitled to such seats by
‘ the properties they possess; and their own private
‘ fortunes must raise them as much above the suspi-
‘ cion of corruption, or of a servile dependence, as
‘ any gentleman in this house can well be; there are
‘ none of them but have fortunes of their own suf-
‘ ficient to support them as gentlemen, and whoever
‘ is so provided, cannot from his circumstances be
‘ suspected of any servile dependence; if there be
‘ any ground for such a suspicion, it must proceed
‘ from the temper of the mind, against which there
‘ is no fortune affluent enough for being a sufficient
‘ guard, nor could the law now proposed be of any
‘ effect against such men.

‘ An honourable gentleman spoke of ministers
‘ having a house of Commons, even a house of
‘ Lords, in their pockets; I own this is language I
‘ do not understand: Gentlemen are in this house at
‘ liberty to throw out whatever their imaginations
‘ may suggest; but they certainly ought to have
‘ some meaning in every thing they say. The ho-
‘ nourable gentleman talk’d too of wicked ministers,
‘ and of impeaching criminal ministers; this, Sir,
‘ has often been talk’d of, but has yet appeared to
‘ be nothing but words: If I am the minister meant,
‘ I wish with all my heart they would begin; I am
‘ persuaded, there are those who want not inclination,
‘ and God forbid I should suppose they wanted abi-
‘ lities: If there were any probable ground, if there
‘ were the least foundation for impeaching any mi-
‘ nister or ministers, I am fully convinced it would
‘ be impossible to withstand or evade such an im-
‘ peachment; at least I am sure I now speak in an
‘ assembly where, were I guilty, I could not expect
‘ to be acquitted, but while I am innocent, I may,
‘ and I do depend upon it, that I never shall be
‘ condemned; for this reason I say, I wish that gen-
‘ tlemen

‘ tlemen would begin; but while they talk only of
 ‘ impeachments, without proceeding any farther,
 ‘ what they say must be looked on but as meer
 ‘ words to amuse the galleries, and embellish their
 ‘ speeches.’

Thomas Wyndham, Esq; ‘ In my opinion, Sir, Mr. Thomas Wyndham's speech.
 ‘ most gentlemen, and particularly the honourable
 ‘ gentleman who spoke last, have wandered very
 ‘ much from the question in debate: The only
 ‘ question now before us is, Whether or no we shall
 ‘ go into a committee upon the bill which has been
 ‘ now read a second time to the house? If the bill
 ‘ be a necessary or a reasonable bill, we certainly
 ‘ ought to go into a committee upon it; and if it be
 ‘ neither reasonable nor necessary, it is as certain we
 ‘ ought not to proceed any farther.

‘ As to its being a reasonable bill, it has been ob-
 ‘ jected, that it would be injurious to the crown, to
 ‘ exclude all the servants of the crown from seats in
 ‘ Parliament; but to this a full answer has already
 ‘ been made, that there is no design to exclude all
 ‘ the servants of the crown; the only design is to
 ‘ exclude those servants of the crown, whose duty
 ‘ demands their attendance elsewhere, or who, by
 ‘ the places they enjoy, may reasonably be supposed
 ‘ to be under a servile dependence upon the mini-
 ‘ sters of state: Where then is the injury done to the
 ‘ crown, since his Majesty may still have most of
 ‘ his principal servants in this house, and is still at
 ‘ liberty to employ whomsoever he thinks proper,
 ‘ either in a military or a civil capacity?

‘ It has been farther said, that this bill would be
 ‘ an injustice done to the people, because it would
 ‘ limit them in their choice, and preclude them from
 ‘ chusing those whom they perhaps thought most
 ‘ proper for representing them in Parliament; but,
 ‘ in my opinion, Sir, it is doing a favour to the peo-
 ‘ ple, to preclude them from putting a trust in those

‘ who may probably be induced to betray that trust,
‘ by loading the people with all the taxes and bur-
‘ dens, which a wicked and designing minister may
‘ propose: This, Sir, will be a real favour to the
‘ people, and a favour which they will soon become
‘ sensible of. It is true, as has been said, that when
‘ a gentleman accepts of a new office, he is sent back
‘ to his country to be rechosen, and it is likewise
‘ true, that such gentlemen are often rechosen; but
‘ do not we know, that such gentlemen go back to
‘ their country with a double credit: Such a man
‘ has not only the interest he formerly had, but he is
‘ now got into an office, he is looked on as the fa-
‘ vourite of the minister; some he promises to pro-
‘ vide in places, others he is to save from pains and
‘ penalties, and thus by the places he gets for some,
‘ and the fears he relieves others from, he purchases
‘ his borough for life, if his office be so: Is not this
‘ a sort of corruption? and ought not we, Sir, to
‘ provide a remedy against this sort of corruption, as
‘ well as that which is properly called bribery?

‘ Now, Sir, as to the necessity there is for some
‘ such bill, as what is now proposed; the case of an
‘ honourable gentleman, who had virtue enough to
‘ withstand the menaces of a court, and the case of
‘ a noble Lord, who always behav’d with great ho-
‘ nour in this house, have been made use of to shew
‘ that there is no necessity for such a bill; but are
‘ one or two instances to be made use of as an argu-
‘ ment, in an affair where hundreds might be brought
‘ upon the other side of the question? The instances
‘ of the other side are indeed kept much more secret,
‘ it is not easy to discover the motives of men’s ac-
‘ tions; but I am convinced, there is no gentleman
‘ in this house who doubts, but that many such in-
‘ stances have happened; and the case of the ho-
‘ nourable gentleman, which is now made public, is
‘ a convincing proof of the danger of having a great
‘ number of gentlemen in this house, who have pro-
‘ fitable

‘ fitable employments depending intirely upon the
‘ pleasure of the crown, and consequently, upon
‘ the pleasure of the favourite minister.

‘ It is certain, Sir, the circumstances of this coun-
‘ try, are much alter’d from what they were: For-
‘ merly the crown had so few places or employments
‘ to give, that if those who were in possession of
‘ them, had all been in Parliament, they could not
‘ have endangered our constitution; but now the
‘ servants of the crown have multiplied so much,
‘ what by new taxes, and by soliciting of offices,
‘ that the most fatal consequence is to be feared from
‘ them; especially now that a seat in Parliament
‘ begins to be thought almost necessary to qualify a
‘ man for a post or employment: In a little time
‘ this house may be filled with the servants of the
‘ crown, tho’ by our constitution, we ought all to
‘ be the servants of our country: We are not to
‘ talk of what is the case at present, or of the gen-
‘ tlemen who have now the honour to be members
‘ of this house, as well as servants of the crown;
‘ they may perhaps be independent of the crown,
‘ they may act with absolute freedom in this house;
‘ but it is certain, that he must have more than com-
‘ mon virtue, who will forfeit a lucrative post or
‘ employment, rather than submit sometimes to the
‘ directions of a prime minister, even as to his way
‘ of voting in this house; and therefore, it is certain,
‘ that unless some such bill as this be passed, the ma-
‘ jority of this house may come to be composed of
‘ servants of the crown, who have not so much vir-
‘ tue as they who are now members of this house
‘ house. I hope it will be agreed, that it would then
‘ be too late to think of any such bill as the present;
‘ for God’s sake then, Sir, let us provide for the safe-
‘ ty of our country while it is in our power; If we
‘ do not do it now, we may soon be involved in
‘ ruin without any hopes of redemption; for the
‘ pre-

‘ preventing of which, I think this bill absolutely
 ‘ necessary, and therefore I am most heartily for
 ‘ the question.’

After him *Thomas Clutterbuck*, Esq; spoke against the commitment, and then the question was put, and carried in the negative 230 against 191.

Qualifica-
 tion bill
 drop'd.

On the 19th of *February*, the bill to amend and render more effectual an act made in the ninth year of the reign of her late Majesty Queen *Anne*, intituled, *An Act for securing the freedom of Parliaments, by the farther qualifying the members to sit in the house of Commons*, was read a second time: and a motion was made for its being committed; upon which, after some debate, the question was put, and passed in the negative; so that the said bill was drop'd, as it had likewise been in the preceding session.

The remaining transactions of this session will be continued in the following volume.

The End of the ELEVENTH VOLUME.

A Collection Of The Parliamentary Debates In England From The Year M,DC,
LXVIII. To the present Time

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